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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Fifth periodic report of States parties

New Zealand*

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* For the initial report submitted by the Government of New Zealand, see CEDAW/C/5/Add.41, considered by the Committee at its seventh session. For the second periodic report submitted by the Government of New Zealand, see CEDAW/C/NZE/2 and Add.1, considered by the Committee at its thirteenth session. For the combined third and fourth periodic report submitted by the Government of New Zealand, see CEDAW/C/NZL/3-4 and Add.1, considered by the Committee at its seventeenth session.

The present document is being issued without formal editing.

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FOREWORD

The New Zealand Government is delighted to present its fifth report on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The report formally covers the period March 1998 to February 2002. However, it is current as at 1 September 2002.

New Zealand's first report for the new millennium notes the progress made since our previous presentation to the CEDAW Committee in 1998. Significant advances have been made for New Zealand women in legislative reform, policy development and the delivery of services and programmes.

Landmarks include a paid parental leave scheme; significant progress on the integration of women in the armed forces; gender analysis and a gender implications statement in papers submitted to Cabinet; and the implementation of *Te Rito: New Zealand Family Violence Prevention Strategy*.

The government has also made legislative changes that include the introduction of the Human Rights Amendment Act 2001; the replacement of the Employment Contracts Act 1991 with the Employment Relations Act 2000; and the amendment of the Matrimonial Property Act 1976.

The government has worked to increase women's awareness of, and participation in, the CEDAW reporting process. I would like to acknowledge the involvement of non-government organisations and women in New Zealand communities in the preparation of the report. A new section in the report, "Women's Views", reflects key themes and issues raised in the public consultation.

The report provides the CEDAW Committee and New Zealand people with an understanding of the issues affecting New Zealand women, so that government and communities can work together to improve the status of all women.

Hon Ruth Dyson
Minister of Women's Affairs

EXECUTIVE SUMMARY

This section outlines the structure of the CEDAW report and provides a summary of the progress made under each Article and under the Beijing Declaration and *Platform for Action*.

The body of the CEDAW report has four sections:
1. Methodology
2. New Zealand Government Response to the Concluding Observations of the CEDAW Committee
3. Articles
4. Appendices.

Section 1

The Methodology section outlines how the CEDAW report has been prepared, and in particular the consultation process used, since it differs significantly from that used for previous reports.

Section 2

This section, which has not been included in previous reports, responds to the concluding observations made by the CEDAW Committee on the last New Zealand report (1998) by providing information on measures taken by government since then.

Section 3

The Articles section provides information on areas of progress made under each Article. Details of the progress summarised below can be found under the relevant Article in the body of the report.

Article 1: Definition of Discrimination Against Women

The New Zealand Bill of Rights Act 1990 was made the sole non-discrimination standard for government, except for employment policies and practices and racial and sexual harassment, which will continue to be subject to the relevant standards in the current Human Rights Act 1993.

Article 2: Anti-Discrimination Measures

- Enactment of the Human Rights Amendment Act 2001
- Publication of the results of the Time Use Survey, providing robust information on women's and men's paid and unpaid work.

Article 3: The Development and Advancement of Women

- Requirement for gender analysis and a gender implications statement in all papers going before the Cabinet Social Equity Committee
- Requirement for 13 government departments to report to Parliament on their contributions to reducing inequalities for disadvantaged groups, including gender inequalities, particularly those affecting Māori and Pacific women
- Development of a whole of government Women's Strategy
- Implementation of the New Zealand Disability Strategy
- Implementation of the Youth Development Strategy Aotearoa
- Implementation of the Positive Ageing Strategy.

Article 4: Acceleration of Equality Between Men and Women

- Paid parental leave scheme introduced in July 2002
- Equal Employment Opportunities Commissioner established within the Human Rights Commission in July 2002.

Article 5: Sex Roles and Stereotyping

- Research into classification and censorship issues
- Select Committee Inquiry into the Films, Videos and Publications Classification Act 1993
- Internet Offender Profiling pilot project
- Education and awareness-raising regarding Internet safety and sexual harassment.

Article 6: Suppression of the Exploitation of Women

- Ratification of the ILO Convention 182 Concerning the Worst Forms of Child Labour, in 2001
- Signing of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, in 2000
- National Plan of Action against the Commercial Sexual Exploitation of Children
- "Pink sticker project" to assist Thai sex workers who are illegally in New Zealand to return to Thailand
- Ratification of the UN Convention Against Transnational Organised Crime and its accompanying protocols on the Trafficking of Women and Children, and the Smuggling of Migrants, in 2000.

Article 7: Political and Public Life

- Increased numbers of women as Ministers of the Crown
- Four key constitutional positions held by women
- Select Committee review of the Mixed Member Proportional (MMP) representation system
- Research into career progression within the public service
- Increased representation of women at local government level
- New provisions in the Local Electoral Act 2001 that may increase opportunities for women to stand for and be elected to local authority positions.

Article 8: International Representation and Participation

- Introduction of internships for Mäori and Pacific peoples by the Ministry of Foreign Affairs and Trade (MFAT)
- Increased percentage of women employed by MFAT, including at senior levels
- High level of representation by New Zealand women at international conferences
- The New Zealand Agency for International Development: Nga Hoe Tuputupu-mai-tawhiti (NZAID) working towards achieving gender equity and the empowerment of women.

Article 9: Nationality

There has been no change since New Zealand's last periodic report.

Article 10: Education

- Continuing improvement in the position of girls and women in the education system
- More women than men enrolled at public Tertiary Education Institutions
- Second-chance education more popular with women than with men
- Increased participation rates for women in industry training
- At school entry, girls on average attaining higher scores than boys for oral language, early literacy and numeracy
- According to a major literature review, *Explaining and Addressing Gender Differences in the New Zealand Compulsory School Sector* (2000), girls outperform boys in many achievement areas
- Improvements to the interest regime of the Student Loan Scheme to accelerate the repayment of the principal and reduce the length of time it takes borrowers to repay their loan
- Introduction of a Pasifika Education Plan, Mäori Education Strategy, and Literacy and Numeracy Strategy, which set out how to increase participation in education, raise achievement levels, and reduce inequalities in educational outcomes.

Article 11: Employment

- Continuing rise in percentage of women in the labour force in the past six years
- Decrease in the unemployment rate for women
- Significant increases in the number of women employed in professional and managerial occupations
- Increased numbers of self-employed women
- *Gender Integration Audit of the New Zealand Defence Force* (1998)
- Replacement of the Employment Contracts Act 1991 with the Employment Relations Act 2000, to redress inequalities in bargaining power
- Statutory minimum wage increased and extended to 18- and 19-year-olds, and youth rate increased to 80 percent of the adult rate
- Paid parental leave scheme introduced in July 2002
- Development of a Women's Strategy by the Community Employment Group of the Department of Labour, to address employment barriers facing women, and initiatives for Mäori and Pacific women
- Survey on childcare by the National Advisory Council on the Employment of Women, in 1999
- Increase in subsidy for early childhood and out-of-school care for low-income families.

Article 12: Health

- Introduction of a more community-oriented model of health service, with local District Health Boards being made up in part of elected representatives
- Improvement in general health indicators such as life expectancy, infant mortality, teenage fertility rate, ischaemic heart disease and cervical cancer mortality rates
- Implementation of the New Zealand Health Strategy, Primary Health Care Strategy, Disability Strategy, and Health of Older People Strategy
- Development of a Mäori Health Strategy
- Development of a Women's Health Strategy
- Development of a Sexual and Reproductive Health Strategy

- Monitoring of maternity services
- Development of a Breastfeeding Strategy
- Development of the Well Child Framework
- Evaluation of the National Cervical Screening Programme
- Completion of Gaming Review and introduction of Responsible Gambling Bill
- Evaluation of youth suicide prevention programmes funded by the Youth Development Fund
- Family Violence project.

Article 13: Economic and Social Life

- Evaluation of the BIZ programme, of which women are a target group
- 1997/98 and 1998/99 Sport and Physical Activity Surveys
- He Oranga Poutama and Winning Women Strategy–Wähine Toa programmes for Mäori women
- Increased participation in school sport by young women at secondary school
- Women's levels of participation in cultural activities higher than men's
- Integrated Offender Management initiative for prison inmates
- Initiatives for women inmates and their dependent children.

Article 14: Rural Women

- Development of strategies on e-government and e-commerce
- Increased number of women employed in the primary production sector
- Increased number of women who are partners or shareholders in farms
- More emphasis on treating children fairly in deciding farm succession
- Pilot programme for Community Interns to be established in some communities
- Establishment of the Sustainable Farming Fund
- Establishment of the Tairäwhiti Development Taskforce for regional development in the Gisborne region
- Establishment of the Heartland Service programme.

Article 15: Equality Before the Law and in Civil Matters

- Women's Access to Justice project
- Changes to civil court fees regime.

Article 16: Marriage and Family Life

- Amendment and renaming of the Matrimonial Property Act 1976
- Review of the Guardianship Act 1968
- Review of adoption legislation
- Implementation of *Te Rito: New Zealand Family Violence Prevention Strategy*
- Changes to work permit and visa policy for women who are the victims of domestic violence.

Section 4

Appendix 1: Women's Views

This section provides a summary of the key themes and issues to emerge from the public consultation process for the CEDAW report (see Methodology, pp.11-13). It also outlines the actions suggested by women and girls to address the key issues.

Appendix 2: List of Submitters

This appendix lists all of the groups and individuals who made written submissions on the draft CEDAW report, which was circulated for public comment from 13 December 2001 to 28 February 2002.

Appendix 3: Core Document

In accordance with the UN *Guidelines for the Preparation of Reports by States Parties*, a core document, providing background information on the country, must be included in human rights treaty body reports. New Zealand's core document was drafted by the Ministry of Foreign Affairs and Trade, in consultation with relevant government departments, and was updated in August 2002 incorporating data from the 2001 Census.

Appendix 4:

A report on Tokelau's implementation of CEDAW from the Tokelau Administrator is included as Appendix 4.

BEIJING DECLARATION AND *PLATFORM FOR ACTION*

Following the Beijing Conference in 1995, the New Zealand Government identified six key areas where further action could occur to improve the status of women:

- mainstreaming a gender perspective in the development of all policies and programmes
- women's unremunerated work
- the gender pay gap
- the need for more and better data collection on all aspects of women's lives
- the *Platform*'s recommendations which are relevant to Mäori women and girls
- enhancing women's role in decision-making.

In March 1996, the government directed the Ministry of Women's Affairs (MWA) to work with relevant government departments and report on progress and policy options to address these issues. The Ministry has reported twice to Cabinet on progress made in implementing the Beijing *Platform for Action*, in 1996 and 1998.

New Zealand has made significant progress in implementing the Beijing *Platform for Action* in the six key areas, and the relevant strategic objectives and actions in the *Platform* have been integrated into the work programme of MWA. Highlights include:

- the requirement that all papers submitted to the Cabinet Social Equity Committee include gender analysis and a gender implications statement
- joint MWA/Statistics New Zealand work on the Time Use Survey, and subsequent publications
- the launching of a discussion paper on pay equity, *Next Steps Towards Pay Equity*; following the five-month period for public consultation, which ends 30 November 2002, the Ministry will collaborate with women, Mäori women, Pacific women and other government agencies to develop policy options for pay equity
- assembling data disaggregated by gender and ethnicity, in order to enhance the development of policy options for women, Mäori women and Pacific women, e.g. *Mäori Women: Mapping Inequalities and Pointing Ways Forward*, published by MWA in 2001

- restructuring, updating and promoting the Nominations Service database, and taking other steps to increase the participation of women on statutory boards and committees.

Significant progress has also been made on a number of the strategic objectives of the Beijing *Platform for Action,* notably:

- an evaluation of the Domestic Violence Act 1995
- the implementation of *Te Rito: New Zealand Family Violence Prevention Strategy*
- the development of a Women's Health Strategy, a Sexual and Reproductive Health Strategy, a Breastfeeding Strategy, and a Well Child Framework
- the introduction of the Human Rights Amendment Act 2001
- the replacement of the Employment Contracts Act 1991 with the Employment Relations Act 2000
- the introduction of a paid parental leave scheme
- the establishment of an Equal Employment Opportunities Commissioner.

Further details of these initiatives can be found under the relevant Articles in the body of the report.

Beijing + 5 Review

After this special session of the UN General Assembly, Women 2000: Gender Equity, Development and Peace for the 21st Century, MWA arranged briefing sessions for women's groups in Wellington and Auckland to give local women the chance to ask questions and hear delegates' reports. The Ministry also published a report on the conference, which includes reports by delegates.

METHODOLOGY

INTRODUCTION

New Zealand ratified CEDAW in January 1985. The CEDAW Committee considered our first report in February 1988. This document is the fifth report to the Committee on New Zealand's implementation of CEDAW. It formally covers the period March 1998 to February 2002; however, it is current as at 1 September 2002.

In preparing this report, New Zealand has had regard to its previous report (1998), to the proceedings of the Committee concerning that report, and to the Committee's guidelines for the preparation of periodic reports.

This section details the methodology used by the Ministry of Women's Affairs (MWA) on behalf of the New Zealand Government to co-ordinate its fifth CEDAW report. Particular attention will be given to the consultation process, since it differs significantly from that used for previous reports.

INFORMATION

Government departments, including MWA, and women and girls through the consultation process, have contributed to the report. The statistical data on women in this report comes primarily from the 2001 Census.

CONSULTATION

Stage 1

As a precursor to public consultation on the draft CEDAW report, MWA held 22 regional workshops throughout New Zealand.[1] The location of the workshops was designed to complement the consultation efforts of the National Council of Women and Mäori Women's Welfare League for alternative reports. The purpose of the workshops was to:

- inform women and girls, non-government organisations (NGOs) and interested stakeholders about CEDAW and the government's reporting process
- stimulate preliminary discussion and thinking about New Zealand's progress in implementing CEDAW.

The workshops included eight held specifically for young women and girls. In addition, two briefings, in Auckland and Wellington, were held for NGOs to inform them of the government's reporting process.

To enable coverage of a range of issues that relate to CEDAW, the workshops were conducted in a focus-group style. Particular emphases included Mäori women, Pacific women, rural women, migrant and refugee women, women with disabilities, older women, mothers and women in unpaid work, women in paid employment, women in business, women in art and sport, and socio-economic issues.

Feedback from the regional workshops was circulated to the workshop participants, NGOs, government departments and interested stakeholders.

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[1] Workshops were held in Palmerston North, Whangarei, Auckland, Kaikohe, Rotorua, Gisborne, Christchurch, Dunedin, Nelson and Invercargill.

Information packs about CEDAW and the reporting process were provided at each workshop and were available to the wider public. These packs included a response form on which the public could provide input to the report.

A draft report was widely distributed from 13 December 2001 to 28 February 2002 for public comment. Recipients included women and girls who had attended the regional workshops, NGOs and government departments. The draft report was also available on the MWA website (www.mwa.govt.nz) and in hard-copy form on request. Approximately 900 hard copies were distributed.

Thirty-seven comments from national and local organisations and individuals were received (see Appendix 2), as well as 35 response forms. A detailed summary of the public comments on the draft report was prepared and circulated to officials for response and to fill information gaps. A summary of the public submissions, both critical and positive, was sent to all contributors, and was made available on request.

MWA met with key NGOs in May 2002 to workshop key issues and ways forward to assist the completion of the fifth CEDAW report.

This report combines the information from all the above sources, and reflects the comments, questions and observations received from the consultation process. The Women's Views section (Appendix 1) is a summary of the public comment.

It was not possible to respond to all the concerns raised during the public consultation process. However, this report sets out the range and nature of issues affecting New Zealand women, so that New Zealanders can work together to address these.

Throughout the reporting process, progress reports were circulated to NGOs, government departments and interested stakeholders to keep them up to date and to explain how they could participate in the process. These reports were also available on the MWA website.

COOK ISLANDS, NIUE AND TOKELAU

New Zealand ratified CEDAW with territorial application to the Cook Islands, Niue and Tokelau. The Cook Islands and Niue are self-governing states in free association with New Zealand. Under this relationship, the Cook Islands and Niue produce their own reports to international human rights bodies. During the reporting period, and more recently, New Zealand has drawn to the attention of the governments of the Cook Islands and Niue their obligations to report under the Convention and noted New Zealand's readiness to provide technical assistance in this regard. The report on Tokelau is included as Appendix 4.

New Zealand, in conjunction with the UN Division for the Advancement of Women, held a sub-regional training workshop for officials and NGOs from Pacific Island countries, in February 2001. The objective of the workshop was to provide capacity-building assistance to help meet the reporting obligations under the Convention, and, for those states not party to the Convention, to provide more general information about its requirements. Representatives from both the Cook Islands and Niue attended this workshop. As part of its bilateral development assistance programme, New Zealand has assisted Niue to assess its legislation for compliance with the CEDAW Convention. Activities associated with the co-ordination of the Cook Islands' CEDAW report are a significant focus of the New Zealand-funded gender and development programme in the Cook Islands.

NEW ZEALAND GOVERNMENT RESPONSE TO THE CONCLUDING OBSERVATIONS OF THE CEDAW COMMITTEE

INTRODUCTION

This section of the report records the concluding observations made by the CEDAW Committee on the combined third and fourth periodic reports by New Zealand in 1998, and outlines measures taken by the New Zealand Government in response to those observations. The Committee's concerns are quoted in italics, followed by the government's response in normal text.

RESERVATIONS

> *The Committee notes with concern the continuing existence of reservations to the Convention, particularly with regard to paid maternity leave and including women in armed combat.*

New Zealand has retained its reservations to the Convention during the reporting period. The reservations relate to women in combat and maternity leave with pay. However, provision for paid parental leave was introduced in July 2002 (see Article 11: Employment, p.88).

Efforts have also been made to increase the career opportunities for women in New Zealand's armed forces. Servicewomen are eligible for recruitment, selection, training and employment in all military trades, and are now eligible for deployment to combat or other operational units (see Article 11: Employment, p.82).

It is now being considered whether these reservations can be lifted.

LABOUR MARKET

> *The Committee considers that the existing legislative and de facto framework for women in the formal labour market, including pay equity, employment contracts and women's family responsibilities, constitutes a serious impediment to the full implementation of the Convention.*

The Employment Relations Act 2000 (ERA) has replaced the Employment Contracts Act 1991 as the legislative framework for employment relationships. It recognises inequality between employers and employees, promotes collective bargaining while protecting the integrity of individual choice, and requires the parties to employment relationships to deal with each other in good faith. This framework enables vulnerable employees, including women, to participate in collective bargaining to ensure that they have a more effective voice in negotiations. It also provides protection against discrimination and unfair bargaining, and access to personal grievance and other problem-solving procedures aimed at maintaining successful employment relationships (see Article 11: Employment, pp.82-3).

The Department of Labour is undertaking a three-year evaluation of the ERA which aims to provide meaningful information on the impact of the Act on employers, employees and unions. In the short term, the evaluation is focusing on the direct impacts of the Act. Longer-term assessment may include a focus on the more indirect economic impacts on different groups in the labour market, including women.

The Ministry of Women's Affairs (MWA), with the Department of Labour, is currently undertaking a pay equity project, aimed at identifying and evaluating possible policy options to achieve equal pay for work of equal value. The Department of Labour is also developing a work programme regarding pay equity in the context of the gender pay gap (see Article 11: Employment, pp.88-9).

The government accepts that good-quality childcare is central to ensuring that parents are able to balance their work and family responsibilities. Additional funding was provided for childcare and Out of School Care and Recreation (OSCAR) subsidies in the 2001 and 2002 Budgets. The government has agreed to ongoing work that will consider supply, affordability and quality issues in both early childhood education and care and out-of-school care (see Article 10: Education, pp.63-5 and Article 11: Employment, pp.91-2).

MATERNITY LEAVE WITH PAY

> *The Committee expresses serious concern at the continuing existence of a reservation to Article 11(2)(b) on paid maternity leave. It is concerned that the requirement for women to negotiate maternity leave individually with their employers, rather than being established as a matter of national law and policy, is a disadvantage for New Zealand's women. It is also concerned about the constraints for obtaining unpaid maternity leave and the lack of awareness by women of existing unpaid parental leave rights.*
>
> *The Committee recommends that the Government examine in greater detail paid maternity leave provisions that exist in a number of countries at a comparative level of economic and social development.*

Payment for parental leave was introduced in July 2002. Maternity leave provisions in other countries were considered in the development of New Zealand policy (see Article 11: Employment, p.88).

> *It also recommends that the Government study the impact of existing maternity leave provisions on women's equal pay and career opportunities.*

As part of the introduction of paid parental leave entitlements, a monitoring and evaluation programme is being put in place (see Article 11: Employment, p.88).

> *The Government should also consider the possible long-term impact of this situation, especially in conjunction with the proposed Matrimonial Property Amendment Bill, which does not recognise future earnings in divorce settlements.*

The Property (Relationships) Amendment Act 2001 has renamed the Matrimonial Property Act 1976 as the Property (Relationships) Act 1976, and amended it with effect from 1 February 2002 (see Article 16: Marriage and Family Life, pp.147-8).

ECONOMIC RESTRUCTURING

> *Noting that there is an increase of women in part-time or casual work and an insufficient number of full-time jobs for women, the Committee expresses concern that the impact on women of economic restructuring in the country continues to be insufficiently addressed by the Government. It is seriously concerned that legislation such as the Employment Contracts Act of 1991, which emphasises individual employment contracts rather than collective agreements, constitutes a major disadvantage for women in the labour market due to their dual responsibilities of work and family commitments.*
>
> *The Committee urges the Government to assess the impact of existing free-market legislation on women's ability to compete on an equal level with men in the labour market and to assess the benefits that women derived from the favourable economic situation of recent years.*

The ERA has replaced the Employment Contracts Act, as noted above (p.14). It is expected that this will help to address issues of structural disadvantage for women. Other measures that will help to address the position of women in the labour market include Modern Apprenticeships targeted at women, Māori and Pacific people, and the government's consideration of the EEO Advisory Group's recommendations, which are currently under action (see Article 11: Employment, pp.85-6 and pp.92-3). It is also relevant to note that the government has recently established the role of EEO Commissioner as part of the Human Rights Commission (see Article 2: Anti-Discrimination Measures, pp.85-6).

> *It recommends that the Government recognise maternity as a social function, which must not constitute a structural disadvantage for women with regard to their employment rights.*

As noted above.

> *The Committee recommends the proactive use of temporary special measures in the public and private sectors in accordance with Article 4.1 to accelerate women's* de facto *equality in employment.*

Special temporary measures to improve the *de facto* equality of women and other designated groups in the private sector are undertaken through the EEO Trust, the EEO Fund, and the National Advisory Council on the Employment of Women (NACEW). The EEO Trust received additional funding in the 2002 Budget (see Article 11: Employment, p.86). Other special temporary measures include the Sexual Harassment Prevention Campaign run by the Human Rights Commission (see Article 2: Anti-Discrimination Measures, pp.30-1), and the establishment of ministerial advisory groups on contracting out, EEO, and the Holidays Act 1981 (see Article 11: Employment, p.93).

> *The Committee recommends that the Government consider ratifying International Labour Organisation Convention 103 (rev).*

The government ratifies ILO conventions only when it can fully comply. It contributed fully to the ILO's revision process relating to Convention 103, which led to the adoption of Convention 183. The Parental Leave and Employment Protection Act is not yet compatible with Convention 183 (see p.88).

> *The Committee also recommends that the Government systematically monitor trends in the situation of women, especially in the employment field, and assess regularly the impact of legislative and policy measures to achieve women's equality in accordance with the Convention.*

The ERA requires all collective agreements to be filed with the Department of Labour; however, the same is not required of individual agreements. Information is collected on the number of agreements containing statements or programmes relating to EEO. This was not a requirement under the Employment Contracts Act 1991. See p.83 regarding the review of the ERA.

GENDER WAGE DIFFERENTIAL

> *The Committee expresses serious concern at the continuing wage differential between women and men, which was not expected to narrow under current trends, and was due in part to the over-representation of women in lower-paid occupations and their under-representation in above-average wage-growth sectors. It expresses serious concern at existing pay differentials between women and men for equal work, and at the impact of the repeal of the Pay Equity Act for women's equal pay rights.*
>
> *The Committee recommends that further efforts, including through legislation and innovative policies, be made to reduce the gender wage differential.*
>
> *The impact of the Privacy Act on women's ability to seek redress in Court for discriminatory unequal pay should be examined. The Government should also consider developing an "equal pay for work of comparable value" strategy, and reinstate respective legislation.*

The government has increased the statutory minimum wage rates, extended the adult rate, and increased the youth rate. MWA is also undertaking a Pay Equity project in consultation with the Department of Labour (see Article 11: Employment, pp.88-9).

The ERA aims to give women and other vulnerable groups an effective voice in the negotiation of pay rates. It contains provisions to prevent discrimination in employment, including terms and conditions of work, and opportunities for promotion and training. It is too soon to indicate the impact of the ERA on women.

No work is planned on the impact of the Privacy Act on women's ability to seek redress for discriminatory unequal pay. However, promotion of collective bargaining under the ERA partially addresses this issue. Also, the Employment Relations Authority can access the information necessary to investigate complaints of discrimination in relation to pay rates under the ERA.

PRIVATISATION

> *The Committee expresses concern that the ongoing privatisation of social services and the introduction of fee-based systems in areas such as health reduce women's, especially poor and Mäori women's, access thereto.*
>
> *The Committee recommends that the Government closely monitor the impact of privatisation on social services, especially in health, so as to ensure equal access to quality health care for all women.*

No work has been undertaken directly relating to this issue. However, current government policy now has a clear emphasis on halting the privatisation of publicly funded social and health services. This is reflected, for example, in the New Zealand Public Health and Disability Act 2000, which provides for the funding and provision of personal health services, public health services and disability health services. Under the Act, District Health Boards (DHBs), which include elected community and Mäori representatives, have been established. DHBs have a key objective of reducing health disparities by improving health outcomes for Mäori and other New Zealanders (see Article 12: Health, p.97).

At this stage there are no plans to monitor the impact of privatisation on health and disability services, given the above emphasis on the public funding of such services and the measures that are in place to reduce inequalities in health outcomes. Because the initiatives listed above are recent, it is not yet possible to say what impact they have had on women's health status.

With regard to the tertiary education sector, the government has introduced a number of changes to the Student Loan Scheme to ease the financial burden on all tertiary students, and further work is under way to improve information about the socio-economic impacts of the loan scheme on particular groups, including women and ethnic groups (see Article 10: Education, pp.67-9).

MATRIMONIAL PROPERTY LAW REFORM

> *The Committee expresses concern that the Matrimonial Property Amendment Bill and the De Facto Relationships (Property) Bill, introduced in Parliament in March, differentiate between the rights of married women in the division of property upon the death of a husband or following divorce, and the rights of women upon separation from a de facto partner. It is also concerned that the Matrimonial Property Amendment Bill does not take into consideration future earnings of a husband with regard to property divisions in divorce settlements.*
>
> *The Committee recommends that the Government reconsider the content of the De Facto Relationships (Property) Bill with a view to bringing it in line with the Matrimonial Property Amendment Bill, especially since the number of de facto relationships in the country was more common among the Mäori population and is growing for the population in general.*

The Property (Relationships) Amendment Act 2001 has renamed the Matrimonial Property Act 1976 as the Property (Relationships) Act 1976, and amended it. The changes took effect from 1 February 2002, and the contracting-out provisions came into force on 1 August 2001. Three major changes result from these reforms (see Article 16: Marriage and Family Life, pp.147-8).

MÄORI WOMEN

> *The Committee is concerned that the situation of Mäori women remains unsatisfactory in many areas, including the high percentage of Mäori girls leaving school early, higher-than-average teenage pregnancy rates, the continuing low number of Mäori women in tertiary education, their employment situation, their absence from the judiciary and political decision-making, their health situation and access to health services and higher-than-average incidences of domestic violence.*

The government is implementing a "whole of government" approach to monitor policies to respond to the needs of disadvantaged communities, and to set directions in social and economic policies to respond better to the needs of Mäori and Pacific communities. This approach was previously referred to as "Closing the Gaps", but has since been renamed "Reducing Inequalities", to reflect emphasis on Mäori, Pacific peoples and other disadvantaged New Zealanders. MWA was a part of that work, and has raised significant issues with respect to Mäori women.

The Ministry of Mäori Development Te Puni Kökiri (TPK) derives its monitoring and policy roles from the Ministry of Mäori Development Act 1991. The government broadened its key functions in 2000 to include effectiveness auditing. TPK has the following goals in fulfilling its monitoring and auditing role:

- monitoring, evaluating and auditing the effectiveness of programmes, services and organisational capability across the state sector to improve Mäori outcomes
- working with central agencies to improve their performance and accountability
- developing information to inform the government of the situation for Mäori, including opportunities and risks.

The monitoring and auditing work TPK conducts under these three goals is approved annually by the Minister of Mäori Affairs on behalf of the government. In addition, its auditing work programme is submitted to Cabinet for approval on an annual basis.

However, it should be noted that TPK's monitoring and auditing role is part of a broader set of arrangements to monitor progress in accelerating Mäori development. For example, the government expects each agency and department to monitor and evaluate its own programmes and services regarding effectiveness for Mäori.

MWA has published *Mäori Women: Mapping Inequalities & Pointing Ways Forward* (September, 2001). This report provides disaggregated data on the status of Mäori women compared with that of Mäori men, and non-Mäori women and men, across the education, employment, income, health, housing and criminal justice sectors. The report identifies persistent inequalities that Mäori women continue to experience, and suggests areas where work is currently being undertaken and further government attention is necessary.

However, *Mäori Women* is intended to provide a tool to assist government departments to:

- undertake gender analysis as it applies to Mäori women and their roles within whänau, hapü, iwi and Mäori society
- be more responsive to Mäori women and to develop approaches and solutions in partnership with Mäori women that support the principles of partnership, participation and protection.

In its *Statement of Intent 2002-2005*, MWA has included an output class specific to Mäori women. The output class, "Mäori Women's Priorities", requires MWA to provide the government with advice "which enables Mäori women as tangata whenua (indigenous people), to fully participate in the social and economic development of Aotearoa New Zealand". It identifies the following priority areas of work:

- develop a research strategy to investigate critical inequalities for Mäori women that addresses barriers to participation in society, with the Ministries of Mäori Development, Education, Social Policy, Justice, and Health, the Departments of Labour and Corrections, and Housing New Zealand, in consultation with Statistics New Zealand, the Department of the Prime Minister and Cabinet, the Treasury and State Services Commission
- provide advice on how to address direct and indirect systemic and structural barriers that impede Mäori women's innovation, enterprise and success
- provide advice that will increase Mäori women's access to, and ownership of, social, economic and environmental resources and outcomes
- develop strategies to increase Mäori women's participation in regional development, in consultation with Mäori women and the Ministry of Economic Development
- develop, in consultation with TPK, Mäori indicators for measuring progress towards government priorities for Mäori women
- continue to develop relationships with Mäori women at both national and local levels to inform the Ministry's policy process and project development, and advise them about the work of the Ministry and the government on issues relating to Mäori women.

> *The Committee urges the Government to continue its efforts to implement fully the Treaty of Waitangi, with particular emphasis on achieving equality for Mäori women in all areas covered by the Convention.*

The government continues its efforts to implement the Treaty of Waitangi. For instance, the first of six key government goals guiding public sector policy and performance is to strengthen national identity and uphold the principles of the Treaty of Waitangi.

Another goal refers to reducing inequalities in health, education, employment and housing. The cross-sectoral co-ordination of strategies and the strengthening of capacity are the key to improving outcomes for Mäori communities in these areas. This report outlines some of the specific strategies that are being employed to address Mäori and Treaty issues across the public sector.

In the social policy context, the government enacted health legislation in 2000 that incorporates a range of sections, including one on the Treaty, intended to achieve its objectives for Mäori health.

> *The Committee urges the Government to translate, as a matter of priority, the Convention on the Elimination of All Forms of Discrimination Against Women into the Mäori Language, and to distribute it widely in Mäori communities, so as to increase New Zealand women's awareness of their rights.*

To mark the twentieth anniversary of the adoption of the Convention, and as a contribution towards the objectives of the International Decade of the World's Indigenous People 1995-2005, the Human Rights Commission, in partnership with TPK, published booklets on the Convention and its Optional Protocol in both English and Mäori. These booklets have been widely distributed.

PARTICIPATION IN POLITICAL AND PUBLIC LIFE

> *The Committee expresses concern that, despite progress made in achieving women's equal participation in political and public life, including in Parliament, the judiciary and in statutory boards, there is little effort to achieve targets set for gender balance through the use of temporary special measures.*
>
> *The Committee recommends that the Government consider introducing a broad range of measures, including targets and flexible numerical goals.*
>
> *The advantages and disadvantages of the current electoral system, namely the Mixed Member Proportional Representation system, on the percentage of women in Parliament need to be assessed and, if necessary, amendments introduced to increase the numbers of women in Parliament.*

Research indicates that the Mixed Member Proportional Representation (MMP) system has resulted in increased numbers and a greater diversity of women being elected to Parliament. The government also remains committed to the Nominations Service within MWA (see Article 7: Political and Public Life, pp.56-7).

MINISTRY OF WOMEN'S AFFAIRS

> *The Committee considers that the merely advisory and co-ordinating nature of the Ministry of Women's Affairs is an impediment to furthering women's human rights in New Zealand.*
>
> *The Committee recommends that the status and decision-making capacity of the Ministry of Women's Affairs be upgraded.*

The government remains committed to MWA in its current form, i.e. a full government department under the State Sector Act 1988, with a Chief Executive and a Minister who sits in Cabinet, as well as an annual appropriation of $4.3 million. The Ministry is the government's primary provider of gender-specific advice to advance the status of women in New Zealand. MWA does this through a work programme that targets the key issues for women and by encouraging other public policy analysts to take all possible steps to identify and eliminate discrimination against women. The Ministry also ensures, through its Nominations Service, that women are properly and actively considered for appointment to decision-making positions in public life.

The government now requires all papers presented to the Cabinet Social Equity Committee to contain a gender implications statement, supported by gender analysis (see Article 3: The Development and Advancement of Women, pp.35-6).

SEX WORK

> *The Committee expresses concern that the Government did not provide sufficient data and information on prostitution, the Prostitutes' Collective and the treatment of sex workers who were in the country illegally.*
>
> *The Committee recommends that the Government provide more information on those issues in its next report. In addition, the Committee wishes to be informed as to which economic activity sex work is included in for the purpose of national accounts and the time use survey.*

New Zealand Prostitutes' Collective (NZPC)

See Article 6: Suppression of the Exploitation of Women, p.50.

Illegal Immigrants and Sex Workers

See Article 6: Suppression of the Exploitation of Women, pp.50-1.

Statistical Information on Sex Workers

In the national accounts, no specific estimate is included for "sex work". Businesses falling in this category are classified as ANZSIC Q9529 – Personal Services (which includes Brothel Keeping, Escort Agency Services, Prostitution Services, along with a wide range of other miscellaneous personal services). However, the data for this industry is drawn from a sample economic survey that covers the entire Division Q, Personal and Other Services. To the extent that "sex work" businesses are included on Statistics New Zealand's business frame (to be included they would need to be legally established (paying GST) and of a certain size and/or employing staff), they will be included in estimates. Therefore, it is not possible to quantify the contribution of sex workers who are not classified as a legal entity.

For the Time Use Survey (see Article 2: Anti-Discrimination Measures, pp.32-4), a sex worker who was a respondent and who completed the diary as requested would write "at work" on the diary to show any spells of paid sex work. This would be coded as "work for pay or profit". However, sex workers cannot be separately identified in the data because occupation was coded only to the three-digit level, which is not detailed enough to identify sex workers. There may be a reluctance to disclose this type of work in the Time Use Survey, as most activities related to the provision of commercial sex remain illegal.

For the Prostitution Reform Bill, see Article 6: Suppression of the Exploitation of Women, p.50.

COMPARATIVE DISAGGREGATED DATA

> *The Committee expresses concern that the lack of comparative data disaggregated by sex and ethnicity and collected over time impeded the Committee's full understanding of changes in the de facto situation of women's human rights.*

The Committee recommends that the Government supply more data of that kind in its next report.

Ethnicity and sex variables are collected in all Statistics New Zealand (SNZ) Household Surveys, and basic information on ethnicity by sex is available on a range of topics. Social surveys either recently conducted or soon to be conducted by SNZ have included booster samples for the Mäori population that will improve the availability of more detailed information. Examples of these are the Time Use Survey, the Survey of Older People in 2000, the Disability Survey (which also has a booster sample for Pacific people), and the Household Savings Survey.

Mäori Women: Mapping Inequalities & Pointing Ways Forward, see pp.19-20.

Review of the Measurement of Ethnicity

SNZ is currently undertaking a review of the measurement of ethnicity. The last review of ethnic statistics was completed in 1988. Since then there have been changes in the needs of users of the statistics, the ethnic make-up of the New Zealand population, and the collection and use of ethnicity data by government and other agencies. The measurement of ethnicity in official social statistics must be made as relevant and useful as possible to both the users of statistics and the public who supply the information.

The purpose of the review is to re-examine the concepts and measurements of ethnicity that have been in use since the last review. The plan is to update these if required, taking into account the views of members of ethnic groups, as well as producers and users of ethnic statistics. Extensive consultation has been carried out and feedback is currently being evaluated.

Social Statistics Programme

The existing body of official social statistics in New Zealand provides an inadequate foundation for evidence-based social policy. Unlike economic statistics, the official system of social statistics consists of a number of disparate comments that are not co-ordinated to work together. As a result, it is difficult to monitor important social outcomes over time and to examine the links between outcomes in different social domains. These are fundamental requirements for the development of strategic social policy. There are also important gaps in the statistics, such as information on attitudes and values, the processes of family formation and dissolution, and participation in work-based training and education.

In November 2000, the Cabinet Social Equity Committee (SEQ) agreed on the need to co-ordinate social surveys across government, and directed SNZ to convene a committee of agencies to review the existing social survey programme and the potential for a social survey programme to better address the information needs of government and the community. SEQ further directed SNZ to report back on progress in identifying key user needs, how they should best be met, and the cost of meeting them. An inter-agency committee was convened and is still working through the issues, with a progress report to Cabinet due in October 2002.

Table Builder

Table Builder – 2001 Census is a new development in web-based data delivery that allows users to access a wide variety of data from the 2001 Census of Population and Dwellings. It combines easy-to-use table management software with approximately 300 very large base tables of data created by SNZ. Users can select one of the base tables, and choose specific variables and geography from within it to create a table according to their own specifications. Some of the tables will contain data from the 1996 and 1991 Censuses, thus allowing analysis over a period of up to ten years. The results can be printed directly or downloaded for further analysis. There are currently over 60 Census tables available using Table Builder. Data will be added progressively so that the full content will be available by the end of 2002.

Eight topic-based data modules are being developed for use in the Table Builder. In order of development, they are personal characteristics, Mäori, families and households, housing, work, incomes, education, and travel to work.

Potential applications for Table Builder include planning the provision and delivery of services, public policy development and evaluation, product development, target marketing, site location, and area profiling. Table Builder is located on the Statistics New Zealand website (www.snz.govt.nz) and is available free of charge to the public and to other government departments.

PUBLICITY

> *The Committee requests the wide dissemination in New Zealand of the present concluding comments, in order to make the people of New Zealand, and particularly its Government, administrators and politicians, aware of the steps that had been taken to ensure de facto equality for women and further steps that are required in that regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organisations, the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.*

The Ministry of Foreign Affairs and Trade, together with MWA, has widely distributed the concluding comments of the Committee. The Human Rights Commission has continued to disseminate widely, in particular to women's and human rights organisations, the Convention, the Committee's general recommendations, and the Beijing Declaration and *Platform for Action*.

PUBLICATIONS REFERRED TO

Ministry of Women's Affairs, 2002, *Statement of Intent 2002-2005*, Wellington.

Ministry of Women's Affairs, 2001, *Annual Report 2000-2001*, Wellington.

Ministry of Women's Affairs, 2001, *Mäori Women: Mapping Inequalities & Pointing Ways Forward*, Wellington.

ARTICLE 1

DEFINITION OF DISCRIMINATION AGAINST WOMEN

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

TE TIRITI O WAITANGI (TREATY OF WAITANGI)

Te Tiriti o Waitangi is a founding document of New Zealand, and the government is committed to fulfilling its obligations as a Treaty partner. Mäori as tangata whenua (indigenous people) enjoy a special relationship with the Crown. The nature of this relationship has been confirmed through judicial interpretation and is based on the principles of participation, protection and partnership. The Treaty will continue to form a basis for ongoing efforts to ensure social equity for Mäori women.

Reference to the principles of the Treaty has been included in various pieces of legislation, for example the State-Owned Enterprises Act 1986, the Environment Act 1986, the Conservation Act 1987, the State Sector Act 1988, the Education Act 1989, the Mäori Fisheries Act 1989, the Mäori Language Act 1989, the Resource Management Act 1991, the Treaty of Waitangi (Fisheries Claims Settlement) Act 1992, and the New Zealand Public Health and Disability Act 2000.

NEW ZEALAND BILL OF RIGHTS ACT 1990

The New Zealand Bill of Rights Act 1990 aims to affirm, protect and promote human rights and fundamental freedoms in New Zealand and to affirm New Zealand's commitment to the International Covenant on Civil and Political Rights. It applies to acts by the legislative, executive and judicial branches of the government, or by any person or body in the performance of any public function, power or duty conferred or imposed on that person or body by or pursuant to law. It also affirms the right of everyone to freedom from discrimination on all the grounds set out in the Human Rights Act 1993.

In May 2001, the government made decisions regarding the overall direction of human rights in New Zealand. This included making the non-discrimination standard of the New Zealand Bill of Rights Act 1990 the sole non-discrimination standard for the government, except for employment policies and practices and racial and sexual harassment, which will continue to be subject to the relevant standards in the current Human Rights Act 1993 (see Article 2: Anti-Discrimination Measures, pp.27-9).

HUMAN RIGHTS ACT 1993

The Human Rights Act 1993 prohibits discrimination in a number of areas, including: employment; access to public places, vehicles and facilities; provision of goods and services; provision of land, housing and other accommodation; and access to educational establishments. Within these areas of public life it is unlawful to discriminate against a person on the following grounds: sex, including pregnancy and childbirth; marital status; religious belief; ethical belief; colour, race, ethnic or national origins; disability; age; political opinion; employment status; family status, including the care of children or other dependants; and sexual orientation.

The Act also provides protection against sexual and racial harassment, incitement of racial disharmony, victimisation and indirect discrimination.

EMPLOYMENT RELATIONS ACT 2000

The Employment Relations Act 2000 provides protection against discrimination in employment on the same grounds as the Human Rights Act 1993 (see Article 11: Employment, p.83). The Employment Relations Act also provides protection against discrimination regarding involvement in the activities of a trade union, which is not specifically included in the Human Rights Act.

INTERNATIONAL COVENANTS

New Zealand is party to all the major international human rights instruments, through which the government is obliged to ensure the equal rights of women and men to enjoy all economic, social, cultural, civil and political rights. Before ratifying an international instrument, the New Zealand Government ensures that its legislation, policies and administrative practices comply fully with the obligations that instrument contains.

The New Zealand Government ratified the CEDAW Optional Protocol in 2000, thus allowing New Zealand women to take an individual communication to the UN CEDAW Committee in cases of an alleged violation of the rights contained in the Convention, once they have exhausted all of their domestic remedies.

A series of judgments during the reporting period have considered the impact of the international instruments on administrative decision-making, and the role of international instruments as tools of statutory interpretation. Jurisprudence has developed in New Zealand recognising that international treaties may be used to interpret domestic legislation, with the presumption being that Parliament would not intend to legislate inconsistently with New Zealand's international obligations. However, international agreements do not automatically become part of New Zealand domestic law until they are enacted into law by Parliament before ratification.

ARTICLE 2

ANTI–DISCRIMINATION MEASURES

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women

(g) To repeal all national penal provisions which constitute discrimination against women.

HUMAN RIGHTS ACT 1993

Following the 1999 general election, the new Government undertook a review of the Human Rights Act 1993 and the institutional framework of New Zealand's key independent human rights agencies. In addition, the Ministry of Justice, in consultation with the Human Rights Commission, led government departments in the Compliance 2001 project, which required them to audit their own legislation, policies and practices and determine how to resolve any inconsistencies with the Human Rights Act. Following these initiatives and further public consultations, the Human Rights Amendment Act 2001 was passed in December 2001.

The overall objective of these amendments is to promote the further development of a robust human rights culture in New Zealand. Particular features are: having an appropriate non-discrimination standard for government, supported by an accessible, publicly funded complaints process and effective remedies; and ensuring New Zealand's human rights institutions can effectively perform the dual functions of promoting and protecting human rights. As such, the reforms will provide a more robust system to prevent and provide redress in respect of discrimination, including discrimination against women. The main reforms of the 2001 Amendment Act are as follows:

Government Compliance

The Human Rights Amendment Act 2001 provides that complaints may now be made to the Human Rights Commission in respect of all government activities and legislation. All government activities (except employment policies and practices and the related areas of racial disharmony, victimisation, and racial and sexual harassment) are subject to the non-discrimination standard contained in the New Zealand Bill of Rights Act 1990. This change addressed the expiry of section 151 of the Human Rights Act, which exempted all legislation and provided a partial exemption from some of the prohibited grounds of discrimination for the government from the Human Rights Act complaints process.

The Bill of Rights Act non-discrimination standard provides that citizens have a general right to be free from discrimination by the government, and that this right can be subject only to reasonable limits. The law says a limit is "reasonable" if it can be "demonstrably justified in a free and democratic society".

The government will continue to be liable under the non-discrimination standard in the Human Rights Act 1993 in relation to issues of employment discrimination, incitement of racial disharmony, victimisation, and racial and sexual harassment.

New Institutional Framework

The Human Rights Amendment Act 2001 combines the Human Rights Commission and the Office of the Race Relations Conciliator. The combined office has retained the name Human Rights Commission. There is a full-time Chief Human Rights Commissioner, a Race Relations Commissioner, an Equal Employment Opportunities Commissioner (yet to be appointed) (see Article 11: Employment, pp.85-6), and up to five part-time Commissioners. The Race Relations Commissioner has a specific focus on race and race relations issues. The EEO Commissioner is responsible for leading discussions about equal employment opportunities, including pay equity, and providing advice and leadership on equal employment opportunities arising from the performance of the Commission's functions.

The Commissioners are appointed to undertake strategic leadership, advocacy and education in human rights, and to provide leadership and direction to the work of the Commission as a whole. They are supported by the General Manager and staff of the Commission.

An independent Office of Human Rights Proceedings has been created within the Human Rights Commission, led by the Director of Human Rights Proceedings. The role of the Director has replaced that of the Proceedings Commissioner. The Office provides publicly funded representation to complainants in proceedings under the Human Rights Act, with decisions on representation being guided by criteria in the Act.

Operationally, the Human Rights Commission has a new primary function: to advocate and promote respect for human rights in New Zealand society, and to encourage the maintenance and development of harmonious relations between individuals and among diverse groups in society.

Disputes Resolution Processes

All problems or complaints relating to both government and non-government discrimination will be dealt with through the publicly funded problem-solving/dispute-resolution process under the Human Rights Act.

The initial dispute-resolution process is intended to be quicker and more informal than before, and the complaints process as a whole is to be more within the control of the parties themselves. The Commission's role is to assist by providing dispute-resolution services, including information gathering, expert advice, and mediation.

If the dispute-resolution process fails or is inappropriate, the complainant may take their case to the Human Rights Review Tribunal for adjudication. The complainant may seek to have the publicly funded Director of Human Rights Proceedings represent them as legal counsel for the proceedings. In addition, the Commission can apply to the Director for representation for proceedings in the Tribunal (for example, following an inquiry by the Commission).

Appropriate remedies are provided where a complaint concerns government legislation or policies and practices:

- where government policies or practices are found by the Tribunal or the Courts to contain unjustified discrimination, the full range of remedies in the Human Rights Act will be available (for example, financial damages, orders to perform actions to redress the loss suffered by the complainant, orders to refrain from repeating the discriminatory activity, declarations that the government has breached the Act).
- when statutes or regulations are found to contain unjustified discrimination, the remedy will be a declaration of inconsistency. The Minister responsible for the administration of the particular piece of legislation is required to bring the declaration to the attention of the House, along with the government's response to that declaration.

It is not yet clear how the new process, which removes the Commission's investigative powers and replaces them with information-gathering and mediation powers, will impact on complaints of sexual harassment.

NATIONAL PLAN OF ACTION

The amended Human Rights Act provides that the Commission "develop a national plan of action, in consultation with interested parties, for the promotion and protection of human rights in New Zealand". The Commission will be developing the national plan of action over two to three years, with wide consultation among government, the public sector, and civil society.

MAINSTREAMING OF HUMAN RIGHTS

The government has directed the Ministry of Justice to lead an inter-departmental group in promoting and supporting the mainstreaming of human rights considerations in policy development across government. The Ministry sees the role of this group as creating ownership and self-sufficiency among departments on human rights issues, including international treaty obligations. As part of this work, the Ministry of

Justice has recently published guidelines on applying the two non-discrimination standards now contained in the Human Rights Act 1993. The guidelines, aimed at the public sector, will assist in the development and consideration of legislation and public sector policies, practices and services in New Zealand. The Ministry of Justice is also developing general guidelines on the Bill of Rights Act for the public sector, and these should be available early in 2003.

COMPLAINTS STATISTICS

Sex discrimination and sexual harassment are unlawful under the Human Rights Act. Those who experience sex discrimination or sexual harassment can take a complaint to the Human Rights Commission (HRC). In the period 1998–2001, sex discrimination and sexual harassment complaints together accounted for 33 percent of all complaints received by the HRC. The number of sexual harassment cases has varied from 77 complaints in the 1998/99 year to 61 complaints in the 1999/2000 year. Complaints of sexual harassment are often conciliated to the satisfaction of all parties. Conciliation agreements can include an undertaking by the organisation complained against to introduce sexual harassment prevention training and policies in the workplace and an assurance that the offensive behaviour will not be tolerated to prevent sexual harassment in the future.

SEXUAL HARASSMENT

The HRC also commissioned a survey on sexual harassment, which found that one-third of all women had been sexually harassed. The survey found that it was more common for younger women to suffer sexual harassment. When the age-based statistics were broken down by gender, 37 percent of women in the 18—29 year bracket reported that they had been sexually harassed. The survey also found that sexual harassment occurred most often in the workplace. Of the 218 respondents who said they had experienced sexual harassment, the majority (67 percent) experienced it at work. Of the female respondents, 70 percent said they had experienced sexual harassment at work. The research also showed that 37 percent of women who worked fewer than 20 hours a week had experienced sexual harassment.

Consequently, the HRC conducted Sexual Harassment Prevention Weeks in October 2000 and September 2001, resulting in an unprecedented number of enquiries about sexual harassment. During and after the 2000 campaign, enquiries to the HRC's InfoLine more than doubled, website activity increased by over 60 percent, and the number of requests for sexual harassment prevention training reached 60. There has also been a marked increase in the number of sexual harassment complaints lodged with the HRC.

The 2001 campaign targeted the food and beverage industry, from which the HRC receives a disproportionate number of sexual harassment complaints. Features of the campaign included sending sexual harassment prevention material to over 5,000 businesses in the hospitality sector; running a provocative advertising campaign using radio, street posters, and leaflets distributed in café districts and tertiary institutions; conducting and publicising a survey on sexual harassment among workers in restaurants and bars; and providing free sexual harassment training to hospitality businesses. Response to the campaign, particularly from the target group of young workers in restaurants and bars, was excellent, and spurred an increase in the number of enquiries and requests for information on sexual harassment.

The HRC has established a Registered List of Providers of sexual harassment prevention services. It also funded the delivery of sexual harassment prevention workshops to a number of targeted low-income organisations.

MARITAL STATUS

The Ministry of Justice is currently undertaking a broad review of all legislative provisions, except those related to social assistance, that treat same-sex and *de facto* opposite-sex couples differently from legally married couples. The review involves identifying laws that would need to be changed to give same-sex and *de facto* opposite-sex couples essentially the same rights, protections and responsibilities as married couples. Concurrently, the Ministry of Social Development is working on a project designed to ensure that, for social assistance purposes, same-sex couples are treated the same way as married and *de facto* opposite-sex couples. The Ministry is considering what amendments may be necessary to allow for the legal recognition of same-sex couples in the delivery of social assistance.

PREGNANCY DISCRIMINATION

Owing to an increasing number of enquiries and complaints about pregnancy discrimination, the HRC is developing guidelines for the treatment of pregnant workers. These are intended for use by employers, small and medium business owners, human resource specialists and union representatives. The guidelines will contain information about legal requirements and best practice advice.

WOMEN'S ADVOCATE

As part of the use of special funding to advance women's human rights, in 2000 the HRC appointed a Women's Advocate to provide a reference point for women's groups, assisting and supporting them in delivering services that improve the lives of women. The Advocate's objectives include:

- providing New Zealand women with relevant and clear information about their rights and how to enforce them at critical times in their lifecycle
- reducing the incidence of sexual harassment in New Zealand society, including within small and medium business enterprises, community groups and schools
- helping women to advance women's human rights by strengthening or assisting other organisations to work in this field
- improving gender analysis in all the HRC's activities
- informing the HRC and the community on topical and current issues relevant to women's human rights.

Owing to the expiry of special funding available for the advancement of women's human rights, the position of Women's Advocate concludes in 2002. However, subject to the availability of general funding, the Commission intends to continue having a designated position with a women's focus. One of the part-time Human Rights Commissioners will also have responsibilities for women's issues.

EDUCATION

The HRC has launched a new range of publications in English and Māori promoting CEDAW. The *Women's Lifecycle Leaflets*, a series published by the HRC and launched on International Women's Day 2002, cover such subjects as pregnancy, pre-employment for women, returning to work, and old age.

LITIGATION

For many years the HRC has had, in addition to its other functions and powers, a litigation function in respect of both individual complaints of discrimination and wider systemic issues. This means that the HRC has been able to take up issues of discrimination against women by means of a publicly funded litigation process. Of the total number of complaints of unlawful discrimination referred to the Proceedings Commissioner over the last five years, 48 percent were sexual harassment complaints by women, 9 percent were sex (including pregnancy) discrimination complaints by women, and 7 percent were family status discrimination complaints by women.

OFFICE OF THE COMMISSIONER FOR CHILDREN

The government has recently introduced a Bill to strengthen the Commissioner for Children's ability to protect the interests, rights and welfare of children. The Commissioner for Children Bill, once enacted, will give the Commissioner additional statutory functions and explicit statutory powers in order to give better effect to the UN Convention on the Rights of the Child (UNCROC), as follows:

- promoting the establishment of accessible and effective complaints mechanisms for children, and monitoring complaints
- raising awareness and understanding of children's interests, rights and welfare
- raising awareness and understanding of UNCROC
- acting as an advocate for children's interests, rights and welfare generally (but not before courts or tribunals), and in that regard, advancing and monitoring the application of UNCROC by departments of State and other instruments of the Crown
- presenting reports to any court, at the court's request, if there are any issues in the proceedings relating to UNCROC or the interests, rights and welfare of children generally
- promoting children's participation, and an approach that gives weight to their views, in decisions affecting the lives of children.

In addition, the Commissioner's current investigative function is modified so that the Commissioner may investigate any decision or recommendation made, or act done or omitted, in respect of a child, not just those under the Children, Young Persons and Their Families Act 1989. UNCROC is appended as a schedule to the Bill and reflects the government's support for the Convention. The government has also allocated an additional $2.8 million over four years to support these responsibilities.

TIME USE SURVEY

The New Zealand Time Use Survey was conducted in 1998/99, and the results were jointly published by Statistics New Zealand and the Ministry of Women's Affairs in May 2001. The survey records the amount of time spent on different activities including paid work, voluntary work, household work, caring and leisure. The survey population was individuals aged 12 years and over living in private households. The report presents the results of the survey within a framework of economic participation, in the form of paid and unpaid work, and social participation – people's involvement in activities that contribute to social, human and cultural capital.

Paid Work

Males and females tend to combine paid and unpaid work quite differently. On average, females spend about two hours more per day than males on unpaid work, while males spend about two more hours per day than females on paid work.

The amount of time people spend on paid work depends on such variables as sex, age, ethnicity and labour-force status. Averaged across everyone aged 12 and over, males spend 29 hours per week on paid work compared with 16 hours per week for females. The longest hours spent in paid work occur in the same age group for employed women and men – 45–54 years – where women spend 33 hours per week and men spend 47 hours per week. Among employed parents with dependent children, mothers with a youngest child aged less than 5 years spend the fewest hours per week on paid work – 22 hours.

Unpaid Work

The survey enabled analysis of unpaid work in terms of whether it is undertaken for people inside or outside the home.

Women's unpaid work averages 4.8 hours per day, compared with men's 2.8 hours. Age is a major factor in the amount of unpaid work undertaken, reflecting lifecycle factors. Women's unpaid work most exceeds that of men in the 24–44 age group, when most people start families. Mothers spend more time on unpaid work than fathers, regardless of the age of the youngest dependent child.

On average, women spend more time than men on all four categories of unpaid work – household work, caregiving for household members, purchasing goods and services for their own household, and unpaid work outside the home. Most of the time spent on household work is food preparation, clearing up after meals, indoor cleaning and laundry. Women spend twice as much time on these tasks as men, while men spend more time than women on home maintenance.

With the exception of the full-time employed, where women and men spend about the same amount of time providing care, women spend much more time on caregiving. The amount of time spent caring for household members also depends on the age of children being cared for. Until the age of 65 years, women spend more time than men on informal unpaid work outside the home, such as helping friends and neighbours.

Mäori women spend more time caring for household members than do non-Mäori women. Mäori men spend more time on informal unpaid work outside the home than both non-Mäori men and non-Mäori women.

Formal unpaid work outside the home comprises unpaid productive activities co-ordinated through an organised group, such as Meals on Wheels or Women's Refuge. Formal unpaid work, when analysed by age, shows a pattern of increasing activity for both sexes until age 75.

Total Work

The concept of total work combines the time spent on paid work with the time spent on unpaid work, thus providing a measure of total productive time. The total work time of females and males is very similar, at seven hours per day. However, 60 percent of men's work is paid, but almost 70 percent of women's work is unpaid. The total work time of Mäori is slightly lower than that of non-Mäori. People aged 25–54 spend the greatest time on total work when they are both raising children and participating in paid work. When simultaneous activities are included in the analysis, women's total work time is considerably higher than men's.

The Time Use Survey is available for use in public policy and has been actively used in labour market policy work to date.

See Article 11: Employment regarding Work-Life Balance, p.92.

DISABILITY

See Article 3: The Development and Advancement of Women, pp.36-8.

YOUNG WOMEN

See Article 3: The Development and Advancement of Women, pp.38-9.

OLDER WOMEN

See Article 3: The Development and Advancement of Women, pp.39-41.

PUBLICATIONS REFERRED TO

Human Rights Commission, 2001, *Unwelcome and Offensive: A Study of Sexual Harassment Complaints to the Human Rights Commission 1995 – 2000*, Wellington.

Ministry of Women's Affairs and Statistics New Zealand, 2001, *Around the Clock: Findings from the New Zealand Time Use Survey 1998–99*, Wellington.

NFO-CM Research, 2000, *Investigation into Sexual Harassment*, Auckland.

Statistics New Zealand, 2001, *Measuring Unpaid Work in New Zealand 1999*, Wellington.

ARTICLE 3

THE DEVELOPMENT AND ADVANCEMENT OF WOMEN

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

GENDER ANALYSIS ACROSS GOVERNMENT

Since January 2002, the government has required all papers going before its Cabinet Social Equity Committee (SEQ) to include gender implications statements, supported by gender analysis. The purpose is to ensure that social policy advice to Ministers has gender analysis and includes an assessment of the impact of proposed and existing policies and programmes on women and men, and whether they advantage or disadvantage women and men. The statement must report succinctly on whether gender analysis has been undertaken, and if not, why not – for example, there may be no data available or a department may have no expertise in gender analysis. Where the gender implications of the policy proposal are significant, those findings and implications will be incorporated throughout the body of the proposal.

The statement may also include the following, if needed:

- a summary of the findings of the analysis
- particular attention to the impacts on Māori women
- particular attention to the impacts on Pacific women
- the extent to which the policy proposal will directly or indirectly affect women and men
- the desired outcomes for women in the policy area, and whether they are the same as for men or whether they need to be different
- the options to address the issues, if any, for women and men, and whether the impact of the options will be different for women and men, and whether this difference is acceptable
- the government's international and domestic legal obligations to women and men
- confirmation that a different approach is required to ensure that women and men learn about policy or service delivery change or about a new service
- confirmation that there is a monitoring system to collect utilisation and outcomes data by gender and ethnicity.

The Ministry of Women's Affairs (MWA) is monitoring the effectiveness of gender implications statements. Preliminary results suggest that the quality of gender analysis in social policy papers going before Cabinet has been variable, mainly because there has been no gender analysis at the problem-definition stage of policy development. Consequently, the Officials Social Equity Committee has been directed to monitor the application of gender analysis and the gender implications statements in policy proposals to ensure that Cabinet's requirements are met and that gender analysis takes place at the policy development stage.

MWA will continue to advise government departments on how to integrate gender analysis into their policy development, offering guidance on the nature and extent of analysis required for any particular policy issues and participation in officials groups. Government departments are, however, ultimately responsible for incorporating gender analysis into their policy development.

MWA has also provided some training seminars in gender analysis, and produced a chart of key questions, particularly concerning Mäori and Pacific women, to help departments improve their capacity to provide gender analysis in their policy advice. A gender analysis training resource and information pack is available on the Ministry's website at www.mwa.govt.nz.

Gender Inequalities Reporting

Thirteen government departments, across a range of sectors, are required to include a section in their annual reports to Parliament on their contributions to reducing inequalities for disadvantaged groups. This includes reporting on effectiveness in reducing gender inequalities, particularly for Mäori and Pacific women compared with Mäori and Pacific men and other men and women.

WOMEN'S STRATEGY

Cabinet has directed MWA to develop a Women's Strategy. A key component will be developing priorities for women and actions to address them. The strategy, which will be developed by fully engaging with New Zealand women and with key policy and service-delivery organisations, will:

- provide a framework within which to work
- develop a vision, principles and goals
- identify policy priorities for women and specific groups of women
- identify criteria by which policy interventions that address identified priorities can be structured and prioritised
- develop implementation, monitoring and evaluation strategies.

DISABILITY

Background

The 2001 Census contained two questions on disability that were used to select the sample for the 2001 Household Disability Survey (a similar survey was conducted in 1996). The survey measured the prevalence and nature of disability in children, adults and older persons, and gave an additional emphasis to the collection of information on Mäori and Pacific people with disabilities. The results of the survey, published in April 2002, showed the following:

- one in five New Zealanders has a disability. More females (384,900) reported disabilities than males (358,900). However, the overall disability rate for males and females is the same.
- disability increases with age. Eleven percent of children (0–14 years) had a disability in 2001, compared with 13 percent of adults aged 15–44 years, 25

percent of those aged 45–64 years, and 54 percent of those aged 65 years and over.

- 61 percent of Māori aged 65 and over reported a disability, compared with 54 percent of the total population in this age group.
- the majority (60 percent) of people with a disability have more than one disability.
- physical disabilities are the most common type of disability; two-thirds of people with a disability reported a physical disability.

New Zealand Disability Strategy

The *New Zealand Disability Strategy, Making A World of Difference: Whakanui Oranga* (NZDS) was launched in April 2001 and presents a long-term plan for changing New Zealand from a disabling to an inclusive society. The NZDS is an inter-sectoral document that outlines 15 objectives in such areas as human rights, social attitudes, education and employment, recreation and lifestyle, information, public services and support systems. It also provides a framework to ensure that government departments and other government agencies consider people with disabilities before making decisions.

Implementation of the strategy is the responsibility of all government departments. Ongoing lead responsibility for the strategy transferred from the Ministry of Health to the Office for Disability Issues within the Ministry of Social Development on 1 July 2002.

In terms of developments affecting women, the NZDS includes two key objectives with associated actions:

Objective 14
Promote participation of disabled women in order to improve their quality of life.

Actions
14.1 Promote women's rights and provide opportunities for disabled women to achieve the same level of economic well-being and educational attainment as men.
14.2 Provide equitable, appropriate and welcoming access to services.
14.3 Support disabled women to live independent and secure lives in the environment and with the people of their choosing.
14.4 Ensure that criteria and considerations for the health and reproduction-related treatment of disabled women are the same as for non-disabled women.
14.5 Include the perspectives of disabled women in the development of all strategies.
14.6 Ensure the Ministry of Women's Affairs undertakes a leadership role in promoting the participation of disabled women to improve their quality of life.

Objective 15
Value families, whānau and people providing ongoing support.

Actions
15.2 Improve the support and choices for those who support disabled people.
15.3 Provide education and information for families with disabled family members.

15.7 Encourage debate around responsibility for caring, payment for caring, and how to further recognise and value the caring role.
15.8 Provide families and those who support disabled people with information that is accurate, accessible and easily found.

MWA is one of 11 key government departments that developed an initial implementation plan for the period July 2001 to June 2002. Progress in meeting targets will be monitored annually and reported to Parliament. Progress reports for the first quarter show that most departments appear to be making progress towards meeting their targets. However, few of these reports identified the extent to which women with disabilities were the focus of projects.

In August 2001, the Ministry of Social Policy presented the Minister for Disability Issues with a report identifying inequities of access and coherence in government-funded services and support for people with disabilities. The paper highlighted significant issues for women with disabilities in terms of access to services:

- women receive less home-help assistance than do men with disabilities because it is assumed that they will be able to find ways of performing a role that has traditionally been theirs
- there is a lack of assistance with parenting responsibilities, for example, affordable childcare
- women have relatively lower incomes, particularly if they are single mothers.[2]

Changes to New Zealand family structures, and the movement of women into the paid workforce, have reduced the likelihood that family members will automatically be available to provide personal care to people with disabilities on a continuing, daily basis. In addition, there is no longer a broad consensus that women should take on the role of providing unpaid care for family members with disabilities.[3] These changes have resulted in increased demand for existing services and, where there are insufficient services to provide alternative support, greater strain on caregivers. Notwithstanding these social changes, in many instances the onus still falls on women to act as primary caregivers for people with disabilities.

The Ministry of Social Development is now considering ways to address the identified areas of inequity of access and incoherence in services.

YOUNG WOMEN

Youth Development Strategy Aotearoa

The Youth Development Strategy Aotearoa (YDSA) was released in February 2002 after extensive consultation. It is a practical policy tool that applies at all levels: central and local government, schools and tertiary education institutions, health services, community and voluntary groups, churches, workplaces, families and whänau, and youth-led initiatives.

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[2] Report to the Minister for Disability Issues, Ministry of Social Policy, *Services and Support for People with Disabilities: Issues Relating to Equity of Access and to Coherence* (28 August 2001), p.8.
[3] *Ibid.*, p.5.

The YDSA consists of a vision, principles, aims and goals, and suggested actions for key social environments, by both central and local government. The six YDSA principles can be used as a checklist in developing policies and programmes, and in working alongside young people:

1. Youth development is shaped by the big picture.
2. Youth development is about young people being connected.
3. Youth development is based on a consistent strengths-based approach.
4. Youth development happens through quality relationships.
5. Youth development is triggered when young people fully participate.
6. Youth development needs good information.

By applying these principles and the broader elements of the youth development approach, New Zealand will help young people to gain a:

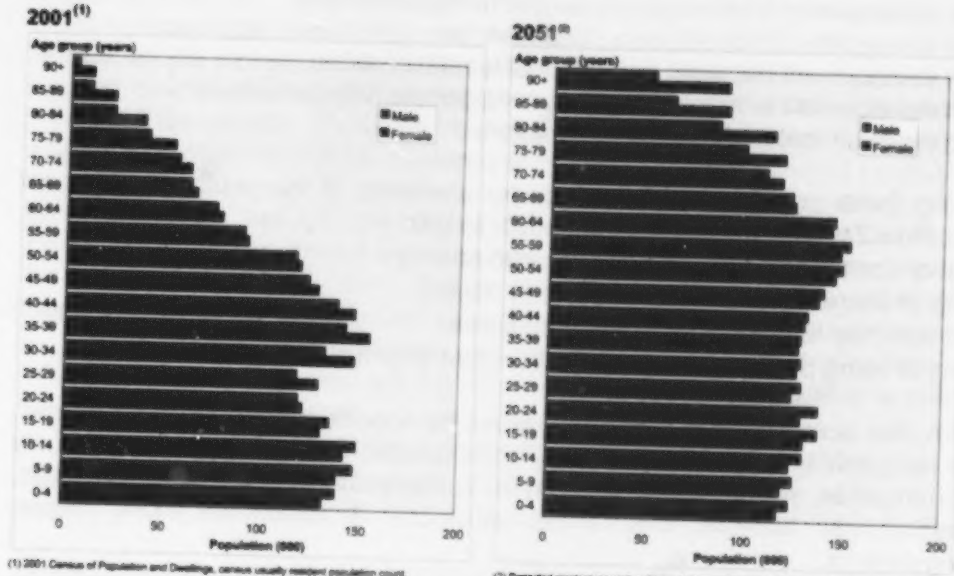
- sense of contributing something of value to society
- feeling of connectedness to others and to society
- belief that they have choices about their future
- feeling of being positive and comfortable about their future.

The YDSA also acknowledges some key issues for specific groups of young people, including rangatahi (young) Māori, young Pacific people, young people from minority ethnic communities, young people with physical, intellectual and learning disabilities, young lesbian, gay, bisexual, and transsexual people, isolated rural young people, and young parents.

The Ministry of Youth Affairs is leading the implementation of the YDSA. The work is closely linked to implementing New Zealand's Agenda for Children: Making Life Better for Children, through the Action for Child and Youth Development (ACYD) work programme. The YDSA implementation includes developing and maintaining mutually supportive relationships with organisations and individuals that work alongside young people and families.

OLDER WOMEN

The 2001 Census figures show that New Zealand still has a comparatively young population, with only 12 percent of people aged 65 and over (Figure 1). It is projected that by 2011, around 14 percent of the population will be aged 65 years and over, and that thereafter the proportion of older people in the population will rise significantly, to 23 percent by 2031 and 26 percent by 2051. After 2051, however, the rate of increase slows, as smaller cohorts replace the older baby-boomer generation. The following population pyramids illustrate these projections by sex and ethnicity, and show that women predominate in the age groups 65 years and over.



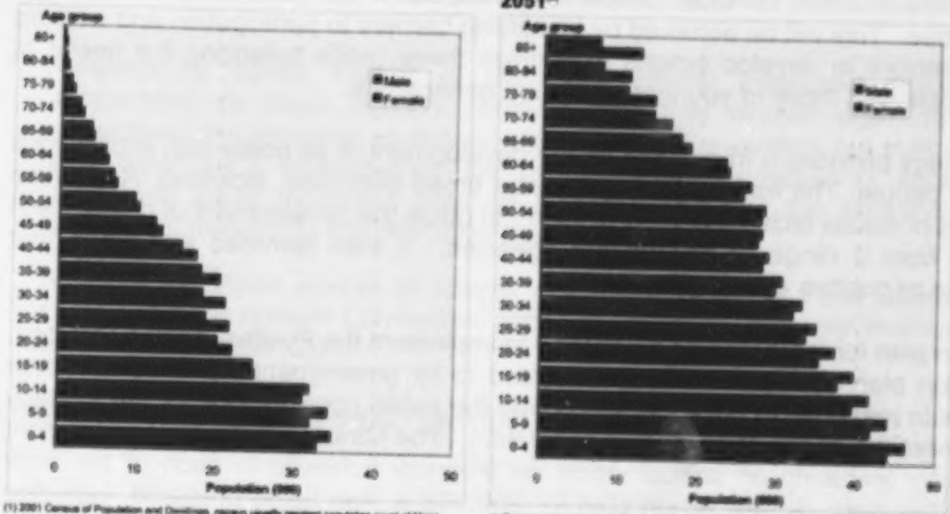
(1) 2001 Census of Population and Dwellings, census usually resident population count.

(2) Projected resident population (Series 4: Assuming medium fertility, medium mortality and long-term annual net migration of 5,000). This projection has as a base the estimated resident population at 30 June 1999.

Figure 1: **Population pyramids for New Zealand in 2001 and 2051, by age and sex**
Source: Statistics New Zealand

Increases in Mäori older people will be particularly significant during the next 50 years, with a 290 percent increase in the proportion of Mäori aged 65 and over. Mäori aged 65 years or more will make up approximately 13 percent of the total Mäori population by 2051, compared with 3 percent at the 2001 Census (Figure 2).

Figure 2: Population pyramids for Māori in 2001 and 2051, by age and sex



2001(1) 2051(2)

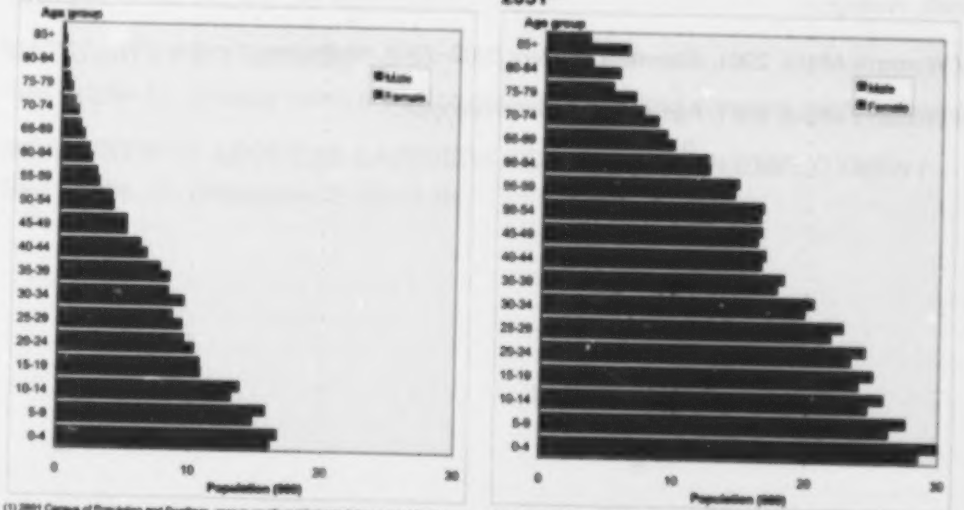
(1) 2001 Census of Population and Dwellings, census usually resident population count of Maori ethnic group.

(1) Projected resident population (Series 5. Assuming medium fertility, medium mortality, medium inter-ethnic mobility and annual net migration of -600). This projection has as a base the estimated resident population of Maori ethnic group at 30 June 1996.

Source: Statistics New Zealand

Increases in Pacific older people will also be significant during the next 50 years, with an increase of over 230 percent in the proportion of Pacific peoples aged 65 and over. Those aged 65 years and over are expected to reach 11 percent of the total Pacific population by 2051, compared with 3 percent at the time of the 2001 Census (Figure 3).

Figure 3: Population pyramids for Pacific peoples in 2001 and 2051, by age and sex



2001(1) 2051(2)

(1) 2001 Census of Population and Dwellings, census usually resident population count of Pacific peoples ethnic group.

(2) Projected resident population (Series 5. Assuming medium fertility, medium mortality, medium inter-ethnic mobility and annual net migration of 1,000). This projection has as a base the estimated resident population of Pacific peoples ethnic group at 30 June 1996.

Source: Statistics New Zealand

New Zealand Positive Ageing Strategy

Launched by the government in April 2001, the Positive Ageing Strategy aims to improve opportunities for older people to participate in the community in ways that they choose. This will be achieved by identifying barriers to participation and working with all sectors to develop actions to address these, while balancing the needs of older people with those of younger and future generations.

The strategy provides a framework for the development of all policy with implications for older people. The framework incorporates broad principles, including "Recognise the different issues facing men and women", to guide the development of policies and services from a range of government agencies. It also identifies key areas that contribute to positive ageing.

An action plan for 2001/02 was developed to implement the Positive Ageing Strategy. The action plan identifies work items agreed to by government agencies with their Ministers in response to issues raised during the public consultations for the strategy and to meet the needs of an ageing population. The Ministry of Social Development is currently preparing an annual report on progress achieved in each of the work items in the plan. A new action plan for 2002/03 is also being prepared, including work items that address specific issues for older women.

PUBLICATIONS REFERRED TO

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Ministry of Social Policy, 2001, *The New Zealand Positive Ageing Strategy: Action Plan 1 July 2001 to 30 June 2002*, Wellington.

Ministry of Women's Affairs, 2001, *Statement of Intent 2002–2005*, Wellington.

Ministry of Women's Affairs, 2001, *Pānui*, September, Wellington.

ARTICLE 4

ACCELERATION OF EQUALITY BETWEEN MEN AND WOMEN

1. *Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.*
2. *Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.*

EQUAL EMPLOYMENT OPPORTUNITIES

Details of equal employment opportunities to reduce systemic discrimination against a range of groups, including women, are described under Article 11: Employment, pp.85-7.

TEMPORARY MEASURES

The Human Rights Act 1993 protects temporary measures, provided they are put in place to assist persons or groups against whom discrimination would be unlawful, and who may need assistance or advancement to achieve an equal place with other members of the community. In addition, the Act provides that preferential treatment by reason of a woman's pregnancy or childbirth, or a person's responsibility for the part-time or full-time care of children or other dependants shall not constitute discrimination in breach of Part II of the Act. These provisions under the Act have not changed since the last periodic report.

MATERNITY PROTECTION

See Article 11: Employment, p.88, for details of the paid parental leave scheme.

MEASURES TO ADDRESS BARRIERS TO EQUALITY IN EMPLOYMENT

See Article 11: Employment, pp.82-94.

ARTICLE 5

SEX ROLES AND STEREOTYPING

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

FAMILY LIFE

See Article 2: Anti-Discrimination Measures, pp.32-4, for details of women's unpaid work in the family.

CENSORSHIP

Several government and non-government agencies are involved in the New Zealand censorship system. Each agency is responsible for a specific aspect of censorship. The primary agencies involved and their responsibilities are as follows:

Office of Film and Literature Classification (OFLC)

The Classification Office is established under the Films, Videos, and Publications Classification Act 1993 to classify publications submitted to it. Industry distributors, enforcement agents or members of the public may submit publications. In support of this primary function, the Office conducts research, and consults with members of the public and experts to inform the classification process.

The Office employs 21 women and 11 men, as at 28 February 2002. Of the classification officers, nine are women and five are men. The management team comprises four women and one man, who is the Chief Censor.

The Office has conducted research into the views of New Zealanders on a range of censorship issues, in particular how people interpret the material the Office classifies, how they think the material should be classified, and whether and what constraints should be imposed on the display of material. Since the last periodic report, the Office has researched:

- community attitudes to the public display of explicit publications (1998/99)
- public and professional views on the rating and classification of films and videos (1999/2000)
- community attitudes to sexually explicit videos (2000/01).

This research has endeavoured to capture views from a cross-section of the community, taking into account gender, age, socio-economic status, family structure and, on occasions, geographical area.

While recognising that public opinion is diverse, this research attempts to identify points of agreement. In addition, it distinguishes feedback from subsets of the population (for example, women, men, cultural and ethnic minorities) to identify sector-specific viewpoints or trends.

The 2000 Research Report indicated a tendency for women and older participants to suggest that certain images or scenes should be banned. It also revealed that there was a general preference by women and men, with little divergence among the research population, for more restrictive approaches to depictions of sex, especially scenes involving sexual violence, than to depictions of drug use and violence.

The 2001 Research Report revealed a common view that at least some activities or aspects of videos viewed by the research population were degrading, demeaning or dehumanising to women. Among the activities ranked as most degrading, there was little difference between the views of women and men. There was also wide agreement that the videos could be harmful, in particular because they created or reinforced inaccurate stereotypes of women, and had the potential to encourage men to engage in inappropriate behaviour with women on the basis of unrealistic expectations. The results of the research will help to inform decision-makers of the public's opinion on various censorship issues. This research will be ongoing.

The Office also consults with members of the public or selected "experts" on particular publications that come before it, particularly those that raise issues about the portrayal of women, especially their sexuality, and how violence against women is presented.

Film and Literature Board of Review

The Board, which comprises four women and five men, reviews the decisions of the OFLC upon application. The current President is a woman.

Film and Video Labelling Body

This is an industry body authorised by government to rate "unrestricted level" films and videos and to supply appropriate labels to distributors. All members of the body are women.

New Zealand Customs Service

The Customs Service enforces the Classification Act at New Zealand's borders by way of an import prohibition on objectionable or potentially objectionable publications. These include material that promotes or supports:

- the exploitation of children or young persons, or both, for sexual purposes
- the use of violence or coercion to compel any person to participate in, or submit to, sexual conduct
- sexual conduct with or upon the body of a dead person
- the use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct
- bestiality

- acts of torture or the infliction of extreme violence or extreme cruelty.

The Service collects statistics on seizures of objectionable publications. However, the only subgroup identified is seizures of material relating to child pornography; all other categories of objectionable publications are combined. This means, for example, that the number of seizures of objectionable publications made on the basis that it is exploitative and demeaning to women is not distinguishable statistically from the number of seizures made for other reasons, such as violence or coercion. Even if such a distinction were made, measuring the level of seizures of objectionable publications on the basis that it is exploitative and demeaning to women would remain problematic because most publications are usually deemed objectionable on multiple grounds. For example, a publication can be objectionable on the basis of violence and drug abuse, as well as on the basis that it is exploitative and demeaning to women.

Department of Internal Affairs – Censorship Compliance Unit

The Censorship Compliance Unit focuses on prosecuting the trade of objectionable material under the Classification Act. The Unit employs six men and one woman. The Department's policy group employs one male staff member who works on censorship policy. The Department is also working with the Ministry of Justice to review the current penalties for possessing and trading in objectionable material.

As with the Customs Service, it is not possible to separate the statistics specifically relating to women, so the following figures relate to child pornography offences, many of which deal in objectionable material relating to women, as at June 2002:

- 440 New Zealanders have been identified as trading in objectionable material
- over 100 cases have been prosecuted in the District Courts
- 25 cases are currently pending in the District Courts
- three New Zealand Internet offenders are identified every month.

The Unit is one of only a few internationally that has a dedicated team undertaking proactive, covert activities on the Internet. The Unit has links with overseas jurisdictions, providing intelligence for prosecution of offenders to organisations including Interpol and authorities in the United States. Any evidence of threats to any person on the Internet or evidence of sexual offending discovered by the Unit is referred to the Police. The Unit has also undertaken the following initiatives:

Internet Offender Profiling Pilot Project

Until now almost all research regarding the trade in objectionable material via the Internet has concerned children. This research project has also considered objectionable material concerning physical and sexual abuse of adults and degrading and dehumanising activities. The results show that most of this is focused on women. The project also identifies degradation and dehumanisation as common features of all the material that is traded. Furthermore, offenders' interest in this area seems to stretch across the full range of objectionable material, indicating that consideration of all such material is important.

The pilot research project, begun in 2000, has been completed. A more extensive study, with a larger sample, is being undertaken. The study will contribute to a better understanding of offender behaviour, as well as policy development and possible law changes. It is anticipated that the collection of offender profile information will be ongoing.

Education

The Unit provides awareness-raising material to schools regarding the safe use of the Internet. Internet Service Providers have been encouraged to adopt a Code of Conduct and to co-operate with the provision of information, and will cull objectionable material if it is identified.

POLICY AND LAW REFORM

There have been no substantive changes to the Classification Act since the last periodic report. However, in the last Parliament the Government Administration Select Committee undertook an inquiry into the Act and related issues. The Committee did not report on the inquiry before the 2002 general election, and it will be up to the Committee appointed following the election to determine whether it continues the inquiry.

TELEVISION AND RADIO

Television and radio are not covered by the Classification Act, and neither the Department of Internal Affairs nor the OFLC has authority over what is broadcast on television or radio. Television stations are accountable to the Broadcasting Standards Authority. However, television stations may not broadcast banned films, or show parts of films that have been cut, without special permission from the Chief Censor.

SEXUAL HARASSMENT

See Article 2: Anti-Discrimination Measures, pp.30-1.

VIOLENCE AGAINST WOMEN

See Article 16: Marriage and Family Life, pp.151-3.

ARTICLE 6

SUPPRESSION OF THE EXPLOITATION OF WOMEN

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

ILO CONVENTION 182 CONCERNING THE WORST FORMS OF CHILD LABOUR

New Zealand ratified the ILO Convention 182 Concerning the Worst Forms of Child Labour on 14 June 2001. The Convention specifically targets child exploitation through slavery, prostitution, pornography, the use of children in illicit activities, and work that is harmful to a child's health, safety and morals. The New Zealand Government placed a high priority on work to ratify this convention, in particular the amendment of legislation to ensure that New Zealand's law complies with the Convention. The Crimes Amendment Act came into effect on 3 April 2001 to bring New Zealand legislation into full compliance with the Convention. The Act:

- prohibits any person being a client in an act of prostitution by a person under 18 years of age
- prohibits the procuring of a person for the purposes of prostitution with another person
- provides a general prohibition on debt bondage and serfdom.

This change in legislation recognises the need to provide special protection to prevent the sexual exploitation of young people. It reflects the view that prostitution amounts to one of the worst forms of child labour and that all members of the community have a responsibility to refrain from exploiting children in this way.

OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

In 2000, New Zealand signed the UN Convention on the Rights of the Child Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. The Optional Protocol is designed to enhance the international legal protection for children from sexual and other forms of exploitation across borders. It requires state parties to ensure that the sale of children, child prostitution and child pornography are covered under their criminal law, and that extra-territorial jurisdiction over these offences is established. The Optional Protocol recognises that girls are disproportionately represented among the sexually exploited.

New Zealand's eventual ratification of this Optional Protocol will be in keeping with the high priority the government accords to human rights issues. The Ministry of Justice is leading the work to ensure that laws and policies in New Zealand comply with the requirements of the Optional Protocol. The Ministry reported to Cabinet on the extent of legislative change required to ratify the Optional Protocol in November 2001, and ratification will take place after the necessary amendments have been made.

NEW ZEALAND'S NATIONAL PLAN OF ACTION AGAINST THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

In 1996, a World Congress against the Commercial Sexual Exploitation of Children was held in Stockholm. At the Congress, delegates unanimously adopted a Declaration and an Agenda for Action which advocate integrated measures, based on:

- co-ordination of actions at the local, national, regional and international levels
- prevention of child sexual exploitation
- protection of child victims
- promotion of recovery and reintegration of victims
- child participation in addressing the problem.

New Zealand government agencies and key non-government organisations and community groups, including the Ministry of Justice, the Department of Child Youth and Family Services, the New Zealand Police, the Department of Internal Affairs, End Child Prostitution, Pornography and Trafficking (ECPAT), the New Zealand Prostitutes' Collective, and the Human Rights Commission, worked together to develop New Zealand's National Plan of Action against the Commercial Sexual Exploitation of Children. The government approved the Plan of Action in October 2001.

The Plan of Action provides a comprehensive examination of the four main activities that exploit children for their commercial value: child prostitution, child pornography, child sex tourism, and child trafficking for sexual purposes. It outlines the measures that are currently being implemented to prevent and respond to these activities in New Zealand. It also identifies the challenges that New Zealand continues to face in each area and suggests future action for addressing these concerns. The Plan of Action includes a table that identifies the activities, their objectives, relevant agencies, and a timetable for implementation.

It is not known to what extent organised crime is involved in the commercial sexual exploitation of children in New Zealand. The Plan of Action states that it is very difficult to establish the true nature and extent of such exploitation because of the clandestine nature of the activity. However, it has been noted that, as in most other countries, child sex tours no longer appear to be operating out of New Zealand. In addition, young people in New Zealand do not appear to be involved in any organised groups of sex workers who operate under the instruction of a "pimp". It is more appropriate to describe the commercial sexual activity of young people in New Zealand as "opportunistic prostitution" or "sex for favours". Young people involved in commercial sexual exploitation generally do not identify themselves as sex workers or prostitutes.

Gender analysis for the Plan of Action was done by the lead agency, the Ministry of Justice. Research indicates that economically deprived girls from developing countries are more likely to suffer commercial sexual exploitation than their male counterparts. Although very little research has been undertaken in New Zealand, it is considered likely that girls in New Zealand also suffer disproportionately from commercial sexual exploitation, although both boys and girls may be victims.

The Plan of Action will be disseminated among government agencies, community groups and youth-focused organisations to ensure increased awareness of the commercial sexual exploitation of children.

NEW ZEALAND PROSTITUTES' COLLECTIVE (NZPC)

NZPC was established by sex workers in 1987. It contracts with the Ministry of Health to provide a community education programme with a focus on sexual and reproductive health, and on HIV/AIDS. NZPC also advocates for the rights of sex workers and seeks a supportive socio-legal environment for them. NZPC provides community drop-in centres in six urban centres where sex workers can access a range of occupational safety and health support services, including sexual health clinics and needle exchange programmes. Peer education and support are also provided on a range of issues concerning the health, safety and welfare of sex workers. Outreach services are provided to sex workers at sex work venues throughout New Zealand.

At the national level, NZPC provides advice to influence practice, policy and law as appropriate to government agencies, such as the Ministry of Health, Department of Child Youth and Family Services, the Ministry of Social Development, the Ministry of Justice, the Ministry of Women's Affairs and the New Zealand Police, through participation in working parties, sector reference groups, a range of government-appointed committees, and other meetings. NZPC also liaises with a range of NGOs, including health and women's organisations, and other relevant groups.

Since its inception, NZPC has sought independent and rigorous evaluation of its work. This has shown that the activities of NZPC contribute to the very low rate of HIV infection and the high levels of safe-sex knowledge and practice among sex workers in New Zealand. NZPC has also been influential at the policy level and in public debate, including that on the decriminalisation of prostitution.

PROSTITUTION REFORM BILL

The Prostitution Reform Bill is a Member's Bill that is presently before the Justice and Electoral Select Committee, which is due to report to Parliament by 29 November 2002.

The Prostitution Reform Bill seeks to decriminalise prostitution by repealing some of the offences associated with prostitution and soliciting. This will also mean that prostitution is explicitly subject to the same laws and controls that regulate other businesses. The Bill also aims to safeguard the human rights of sex workers and protect them from exploitation, to promote the welfare and occupational health and safety of sex workers, to create an environment that is conducive to public health, and to protect children from exploitation in relation to prostitution by making it an offence to be a party to a contract using a child under 18 years as a prostitute. It will remove laws that are used to prosecute children under the age of 18 for their involvement in prostitution.

ILLEGAL IMMIGRANTS AND PROSTITUTION

A New Zealand Police report into the sex industry indicated that, in mid-1999, several hundred women who were neither New Zealand citizens nor New Zealand permanent residents were employed in the sex industry in New Zealand. The overwhelming majority (estimated at approximately 500 in Auckland, and around 100 across the rest of the country) were of Thai nationality. It was considered likely that reintroducing visitor visas for Thai nationals from the beginning of 2001 would reduce the number of women entering the country to work in the sex industry.

The incidence of trafficking of women appears to have diminished in recent years. This is believed to have resulted from high-profile operations involving the Police and the New Zealand Immigration Service during the mid-1990s, when a small number of employers were prosecuted on brothel-keeping and slavery charges. However, it is not clear what proportion of Thai women entering New Zealand to work illegally are aware beforehand that they are ultimately intended for massage parlours rather than, for example, restaurant work.

Government agencies continue to work with each other and with non-government organisations, such as NZPC and Shakti (Asian Women's Refuge), to target the sex industry. This work focuses on assisting women who are being exploited, particularly vulnerable foreign nationals, and prosecuting the people responsible for smuggling them to New Zealand or employing them there.

In 1999, the Auckland City Council and the Human Rights Commission, working with the New Zealand Immigration Service, the Police, NZPC, Shakti, ECPAT and the Thai Embassy, introduced initiatives under the "Pink Sticker Project", targeted at illegal migrant female workers in Auckland. A safe house and telephone hotline were established, and publicised through pink stickers that provided information in English and Thai. Since then, the Human Rights Commission has helped a number of Thai women to return to Thailand.

In June 2002, Parliament passed the Transnational Organised Crime Bill, which has enabled New Zealand to ratify the UN Convention Against Transnational Organised Crime and its accompanying Protocols on the Trafficking of Women and Children and the Smuggling of Migrants. Among the legislative changes included in the Bill are amendments to the Crimes Act 1961 and the Immigration Act 1987, aimed at reducing the incidence of illegal immigration by creating a range of offences that target not only people smugglers and traffickers but also associated activities.

PUBLICATIONS REFERRED TO

Chetwynd, J., 1996, "The Prostitutes' Collective: A uniquely New Zealand institution", in Davis, P. (ed.), *Intimate Details and Vital Statistics: AIDS, Sexuality, and the Social Order in New Zealand*, Auckland University Press, Auckland.

Ministry of Justice, 2001, *Protecting Our Innocence*, Wellington.

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ARTICLE 7

POLITICAL AND PUBLIC LIFE

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

CENTRAL GOVERNMENT

As a result of the 2002 general election, women hold 34 of the 120 seats in Parliament, or 28 percent. Eight out of 26 Ministers of the Crown are women, compared with 3 out 24 at the time of the last periodic report. Women hold the four key constitutional positions in New Zealand – Governor-General, Prime Minister, Attorney-General and Chief Justice.

Research indicates that the Mixed Member Proportional Representation (MMP) system has resulted in increased numbers of women being elected to Parliament. In 1993, the last year in which an election was held under the first-past-the-post (FPP) system, women constituted 21 percent of the Members of Parliament. This rose to 29 percent in 1996, when the first election was held under an MMP system, and 31 percent in 1999. Although New Zealand has no specific measures for ensuring women's representation, it ranks fourteenth equal in the world for women's representation in Parliament.

The Mäori Electoral Option was held between April and August 2001, when Mäori voters chose between registering on the Mäori or General electoral rolls. This determined how many Mäori seats were to be allocated in Parliament. Mäori voters were informed of their options through a bilingual television campaign, a brochure and a website. This process resulted in one extra Mäori seat being allocated in Parliament, bringing the total Mäori seats to seven. Two of these seats are held by Mäori women.

Research and Evaluation

A parliamentary select committee has recently completed a review of the MMP system, reporting to Parliament on 8 August 2001. Public submissions were heard in 2000. The committee was required to report on:

- whether there should be a further referendum on changes to the electoral system and, if so, the nature of proposals to be put to voters
- the extent to which party lists have resulted in better representation of women

- the changes, if any, that might be made to the electoral system to enhance further the representation of women.

The committee unanimously agreed that there should not be any legislative measures to support or enhance the parliamentary representation of women. All parties saw this as being the responsibility of political parties, and agreed that parties should develop their own processes to ensure that women are adequately represented in Parliament, and that Parliament reflects the diversity in New Zealand society.

LOCAL GOVERNMENT

Overall, the representation of women in local government has been steadily increasing, from 3.7 percent in 1962 to 31.5 percent in 1998. At the 2001 local authority elections, 12 women were elected mayor out of 74 positions (16 percent), compared with 26 percent in 1998 and 20 percent in 1995. The percentage of women elected to local authorities in the 2001 elections was 28 percent, compared with 29 percent in 1998 and 28 percent in 1995.[4] The percentage of women elected to the new District Health Boards (DHBs) was 44 percent.

Gender and Ethnic Breakdown of Elected District Health Board Members 2001

Gender	Number
Female	66
Male	81
Total	147
Ethnicity	**Number**
European	105
Mäori	2
New Zealand	15
Not Disclosed	14
Not for Release	4
Other	7
Total	147

Source: Ministry of Health, 2001 (Ethnicity is self-declared, based on Candidate Profile Statements)

DHBs are also required to have at least two Mäori members and to endeavour to have more, commensurate with the proportion of Mäori in their district. If an insufficient number of Mäori are elected to a Board (i.e., fewer than two), the Minister of Health can appoint additional Mäori members.

The Local Electoral Act 2001 contains several new provisions that may contribute to improved representation of women in local authority positions. The first measure is the introduction of profile statements of 150 words, which, if provided by the candidates, are sent to every elector with their voting documents. This provision, which promotes the principle of equal opportunities, was introduced for the October 2001 local elections. It is too early to assess its impact on voter turnout. The Department of Internal Affairs is still collating information on this provision.

The second measure is the imposition of limits on candidates' campaign expenditure, scaled to the size of the population of the area being contested. This provision promotes the principle that every qualified person has an equal and reasonable opportunity to stand for election and be elected. The effectiveness of this provision is currently being assessed.

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[4] http://www.lgnz.co.nz/localgovt/lgfacts/faq/women.html

The third major provision is the introduction of the Single Transferable Voting (STV) system as an option for local authority elections from 2004 onwards. As a form of preferential voting, STV is considered by many to be a fairer system, and may increase the representation of women generally, and the numbers of Mäori and other ethnic women, elected to local authority positions.

A campaign entitled 0800Participate was launched in 2001 to promote enrolment as an elector, standing as a candidate, and exercising the right to vote. This campaign was a joint exercise by the local government sector and government agencies interested in promoting participation and representation in local government and understanding of local electoral processes. The campaign targeted women, Mäori, Pacific Island communities, young adults and ethnic groups.

Research and Evaluation

The triennial local authority election survey to provide a statistical report on the 2001 elections is being undertaken by the Department of Internal Affairs. The survey measures include the numbers of women who stand and are elected to the various local authority positions. That analysis includes a breakdown of the number of women elected to local authorities.

A survey of candidates for the 2001 local elections is also being done, as it was for the 1998 local elections. It includes comparative data relating to the gender of candidates. One of the purposes of the survey is to identify representation and trends among candidates and successful candidates. It also seeks to provide a basis for investigating what barriers to candidacy exist, and what might be done to overcome them.

WOMEN AND THE LAW

The table below shows the number of women appointed to the judiciary since February 1998, and the total numbers of female and male judges. Of particular note during this period have been the appointment of New Zealand's first female Chief Justice in 1999; the first female permanent member (other than the Chief Justice) of the Court of Appeal in 2002; the appointment of the first female Principal Judge of the Environment Court; and the first appointments of women as Judges of the Mäori Land Court. Since February 1998, there were also 11 women in the 24 appointments as District Court Judges.

Court	New Female Appointments Since February 1998	Total Number of Female Judges	Total Number of Male Judges
Chief Justice	1	1	0
Court of Appeal	1	1	6
High Court	1	3	26
District Court*	11**	27**	93
Mäori Land Court	2	2	6
Employment Court	1	1	4

Source: Ministry of Justice, 2002

* Includes the Family, the Youth and the Environment Courts.

** Includes two appointments announced of judges who have yet to be sworn in.

WOMEN IN DECISION-MAKING

Public Service

There are 7 women out of 37 Chief Executives in the public service, as at 28 February 2002. This represents no change from the last reporting period. As at 30 June 2000, there were 1,162 positions in the public service in the top three levels of management. Women filled 33 percent of these positions, whereas in 1999 they filled 32 percent.[5]

For the public service as a whole, the average salary of women was 17 percent less than that of men. Occupation group noticeably affected the gender pay gap. For most occupation groups, the average salaries for women were about 10 percent less than those for men. However, the gender pay gap for managers was 16 percent.[6]

The New Zealand State Services Commission Career Progression and Development Survey was conducted in late 2000 and the results were released in April 2002. The survey explored public servants' perceptions of the public service work environment and their career progression opportunities. This project was partly prompted by concerns that more women were needed in senior public service positions. The survey report included a chapter on the profile of women in the public service, and analysed the gender differences in the responses to the survey. It found that many of the gender differences related to factors affecting an employee's ability to balance work and other commitments. Although not affecting women exclusively, these factors do tend to impact more on women than on men.

In 2000, Mäori women accounted for 63 percent of Mäori in the public service. In general, Mäori, who made up 17 percent of the public service workforce, appeared to have similar employment experiences to other staff. They were less satisfied with their pay and benefits. Mäori also reported the life/work balance as being more important than did non- Mäori. More Mäori than non- Mäori reported experiencing unfair treatment and unwelcome behaviour.

Both Mäori and Pacific peoples displayed high ambition to move ahead in their careers.

Pacific peoples made up 7 percent of the public service workforce (disaggregation by sex was not available due to the small sample size). Fairness was a theme: Pacific staff were less satisfied with their pay and benefits. They were also less satisfied that they had equitable access to rewards, were treated fairly, and that their ideas were valued. They were more likely to have caregiving responsibilities, and generally attached higher importance than other staff to the life/work balance.

Statutory Boards

In 2001, 39 percent of appointments or reappointments to statutory boards were women, up from 31.4 percent in the last periodic report. This data is not available disaggregated by ethnicity.

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[5] State Services Commission, 2002, *Career Progression and Development Survey, 2000: Results for the New Zealand Public Service*, Wellington, pp.90-104.

[6] *Ibid.*

Data collected by the Crown Company Monitoring Advisory Unit (CCMAU) indicates that women are still under-represented on Crown company boards. As at February 2002, CCMAU demographic reports indicate that women represent 32 percent of directors on Crown company boards, a figure that has remained static since 1996.

Further work is under way to ensure that the demographic reports provided by CCMAU disaggregate data by gender and ethnicity, to assist in monitoring:

- what progress is being made in increasing the diversity of women on boards
- the gender and ethnicity breakdown of women on boards by individual sectors
- the effectiveness of current strategies to increase the diversity of board membership.

As part of supporting the government's strategy to increase the diversity of board members, MWA is working with CCMAU, Te Puni Kōkiri, the Ministry of Pacific Island Affairs, the State Services Commission and other agencies with a focus on improving the monitoring of board membership.

CCMAU also runs a number of director development courses aimed at upskilling suitably experienced candidates identified through its screening processes. A large proportion of those undertaking the courses are women.

Nominations Service

The government remains committed to the Nominations Service administered by MWA. The service was established to improve the gender balance on government-appointed boards and committees, and to ensure that their membership reflects the diversity of the New Zealand community. The service aims to increase the level of women's participation in the decision-making process by submitting the names of women who have relevant skills, qualifications and experience to Ministers and government agencies for consideration for appointment to statutory boards and committees. These committees cover the full range of government activity and operate at national and regional levels.

At February 2002, the Nominations Service held information on over 1,800 New Zealand women available for appointment to decision-making bodies.[7] In the 2000/01 financial year, the service nominated 1,012 women for appointment to 229 boards. Of these, 99 were appointed. The number of Māori women's names submitted was 270. Notably, the first Pacific woman coroner has been appointed to the Auckland Coroners Board. The Nominations Service database is being upgraded, a process that is expected to be completed by October 2002. One of the outcomes of this upgrade will be that the number of appointments made can be disaggregated by ethnicity.

Promoting the service and networking with community, professional and business organisations are seen as pivotal to increasing the pool of board-ready women. MWA is co-ordinating a series of regional meetings in West Auckland, Manawatu and Dunedin with women's organisations. The focus will be to identify training requirements for potential board members and to facilitate Pacific women's access to the Nominations Service. Other activities of the service include:

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[7] The information supplied by women to MWA is for the exclusive use of the Nominations Service in accordance with the provisions of the Privacy Act 1993.

- publishing *Women on Board: An Introductory Guide to Membership of Government Boards and Committees* (October 2001)
- contributing to *Mana* magazine's profiles of successful Mäori women in its February 2001 edition.

These activities have contributed to increased interest and participation in the Nominations database.

Trade Unions

A number of new unions are being created, and the New Zealand Council of Trade Unions is also covering a number of new unions that previously came under the Trade Union Federation umbrella. As a result, few up-to-date statistics are available. However, some information has been collected by Victoria University. As at 30 December 2000, membership of unions, based on 134 registered unions with 319,518 members in total, was approximately 50 percent. The breakdown by industry has not been done.

Non-Government Organisations (NGOs)

MWA's *Women's Directory*, which was revised in 2001, lists 85 national women's organisations, 26 Mäori women's organisations, and hundreds of regional women's groups.

A number of government departments and ministries regularly consult with NGOs to ensure that their views are incorporated into the advice provided to Ministers. Organisations such as the National Council of Women make regular submissions to parliamentary select committees that are considering legislation. MWA regularly engages with women's organisations on general issues and also on policy issues where NGOs have specialist knowledge. In 1999, MWA established a consultative group of prominent Mäori women, Te Korowai Wähine, to underpin its policy advice to improve outcomes for Mäori women. NGO representatives also meet regularly with Ministers.

PUBLICATIONS REFERRED TO

Ministry of Women's Affairs, 2001, *Women on Board: An Introductory Guide to Membership of Government Boards and Committees*, Wellington.

Ministry of Women's Affairs, 2001, *Annual Report 2000–2001*, Wellington.

Ministry of Women's Affairs, 2001, *The Women's Directory – Te Rärangi Take Wähine*, Wellington.

State Services Commission, 2002, *Career Progression and Development Survey, 2000: Results for the New Zealand Public Service*, Wellington.

www.dpmc.govt.nz

ARTICLE 8

INTERNATIONAL REPRESENTATION AND PARTICIPATION

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

WOMEN IN THE DIPLOMATIC SERVICE

In 2001, the Ministry of Foreign Affairs and Trade (MFAT) conducted a comprehensive audit of the position of women in the Ministry. Women currently make up 48.8 percent of Ministry staff at all levels. The Ministry has set a target of 50 percent representation of women at all levels by 2005. The past three external policy officer recruitment drives, in 1999, 2000 and 2001, have resulted in women making up 44 percent, 68 percent and 61 percent respectively of the new recruits.

After appointing its first female Deputy Secretary in 1997, MFAT appointed the second in December 2000 – the former head of the New Zealand Official Development Assistance (NZODA) division. This brings the percentage of women at senior management level to 40 percent, as there are five Deputy Secretaries in total.

Women hold 26 of the 70 senior positions at Director or Deputy Director level in Wellington. Overseas, of a total of 47 posts, women hold nine Head of Mission positions, in Apia, Brasilia, Brussels, Honiara, New Delhi, Madrid, Noumea, Shanghai and Vienna. In addition, 17 women hold Deputy Head of Mission positions overseas. This represents no change from the previous periodic report.

As of September 2002, MFAT has 42 female staff who identify as Mäori (up from 30 in the last periodic report), and 19 female staff who identify as Pacific peoples. An increasing number of women who identify as Asian are also joining the Ministry. The Ministry continues to make strong efforts to target these groups for recruitment. It has a longstanding scholarship scheme for Mäori and Pacific students, and in 2001 introduced internships for Mäori and Pacific peoples. In 2002, the Ministry awarded six scholarships – three to Mäori and three to Pacific peoples. Of these, five were awarded to women.

The Ministry has many policies that provide assistance to women, including six weeks' paid parental leave, a family liaison co-ordinator, flexible employment hours, a childcare reimbursement scheme, and a mentoring programme. The Ministry also offers financial support for the Women's Network (one of five staff Equal Employment Opportunity (EEO) groups for development and support). The group contributes to policy via the annual EEO Plan, and is consulted on various human resource policy issues that affect women.

INTERNATIONAL CONFERENCES

Representation by women at major international conferences, including UN conferences, has continued without discrimination on the basis of gender. The Prime

Minister (both Prime Ministers in the period of this report have been women), women Ministers and women Members of Parliament (MPs) have led many of New Zealand's delegations to such conferences. Official members of New Zealand delegations to international meetings frequently include women, whether from MFAT or from other government departments.

UN conferences at which the New Zealand delegation has been led by the Prime Minister, women Ministers or women MPs include the Special Session on Women (June 2002), the Millennium Summit (September 2000), the General Assembly Special Session on HIV/AIDS (June 2001), and the World Conference Against Racism (September 2001). Similarly, women have led New Zealand delegations to other key international meetings including the APEC Leaders' Summits, the Commonwealth Heads of Government Meeting (CHOGM), the International Whaling Commission (2001), the International Labour Conference (2001), the World Health Assembly (2001), and the World Congress on the Commercial Sexual Exploitation of Women (2001).

The government has established procedures for the inclusion of non-official representatives on official delegations to international meetings, in recognition of the breadth and specialist knowledge that they can contribute. It is generally expected that non-official members of official delegations should meet their own costs. However, where the government has requested their inclusion because of the special expertise they may bring to the delegation, it may consider meeting their costs.

Women representatives of NGOs have, therefore, participated in a wide range of international meetings, either as part of official delegations or independently. They include NGO representatives participating in the UN Special Session on Women (June 2000), the preparatory meeting for the UN Special Session on Children (June 2001) and the Special Session itself (May 2002), various sessions of the Working Group on Indigenous Populations and other international fora on indigenous issues, the annual APEC Women Leaders' Network, the UNESCO World Conference on Science (1999), and the Convention on Biological Diversity meetings (1998). The current Human Rights Commissioner, Rosslyn Noonan, has attended international meetings relating to human rights and national human rights institutions, including the Commission on Human Rights and the Asia–Pacific Forum on National Human Rights Institutions.

In addition, as part of the broader consultation process with civil society on international issues, women have been given the opportunity to comment on issues of concern to them. Women are also involved in an advisory capacity on international issues: for example, there are three women represented on the Public Advisory Committee on Disarmament and Arms Control.

The Ministry of Women's Affairs has compiled and distributed a report and summary of the UN Special Session on Women in June 2000.

INTERNATIONAL ORGANISATIONS

New Zealand women are represented in a number of international organisations and roles. They include the UN Secretary-General's Special Representative on Cyprus from May 1998 to September 1999 (Dame Ann Hercus) and one of the experts on the International Bioethics Committee (Professor Sylvia Rumball).

New Zealand also nominated Dame Silvia Cartwright for re-election to the CEDAW Committee in 2000, but she withdrew her candidature when she was appointed Governor-General of New Zealand. Procedures for the nomination of candidates for expert bodies are being reviewed and a more transparent process is being established. Gender balance on the expert bodies is a factor in considering New Zealand Government nominations.

FOREIGN POLICY AND WOMEN'S ISSUES

The promotion and protection of women's rights are priority areas of New Zealand's international human rights policy. New Zealand participates in the Commission on the Status of Women, and actively promotes resolutions on women and gender issues at the Commission on Human Rights and the UN General Assembly Third Committee.

DEVELOPMENT ASSISTANCE

The New Zealand Agency for International Development: Nga Hoe Tuputupu-mai-tawhiti (NZAID) works towards achieving gender equity and the empowerment of women in all aspects of its work. The aim is to ensure that women, men, girls and boys are able to contribute fully to their own social and economic development, and that development benefits all. The foundation for NZAID's efforts in this respect is the full implementation of CEDAW. The international commitments made in the Beijing *Platform for Action* (1995) and the Pacific *Platform for Action* (1994) provide useful guidance on strategic approaches.

NZAID will continue to support gender-specific programmes and projects where these are necessary to address specific disparities or inequalities between women and men, girls and boys.

CEDAW Workshops for the Pacific

In February 2001, New Zealand hosted a workshop for 14 Pacific Island countries on preparing reports for the CEDAW Committee. Government and NGO representatives participated, with New Zealand funding most of the NGO participants. Dame Silvia Cartwright, former CEDAW Committee Member, and Jane Connors, Chief of the Women's Rights Unit of the UN Division for the Advancement of Women, were the workshop trainers. Since the workshop, New Zealand has also provided financial assistance for a Northern Pacific workshop on CEDAW and has assisted, through bilateral programmes, countries that are in the process of ratifying the Convention or preparing to report on progress. One-off activities have included providing assistance with translating the Convention into local languages and ensuring countries' legislative compliance with the provisions of the Convention.

Regional Activity

New Zealand has also sought to improve the status of women through NZAID regional programmes and through the activities of multilateral and regional organisations. Significant among these are:

- ongoing financial support for the Pacific Women's Bureau, Secretariat of the Pacific Community (SPC)

- funding for SPC's eighth triennial meeting of Pacific women, in September 2001
- domestic violence training for police in eight Pacific Island countries
- funding the participation of six Pacific women leaders in a short course at the John F Kennedy School of Government, Harvard University
- support for the UN Population Fund's activities in the Pacific region.

Country Programmes

Approximately 54 percent of New Zealand's development assistance is "fully gender integrated". New Zealand also aims to achieve a 50:50 male/female ratio for NZODA-funded students and trainees. Examples of specific women-focused activities in the individual bilateral country programmes include:

- long-term gender and development programmes in Kiribati and the Cook Islands
- support for community groups and government organisations involved in activities to counter violence against women and children
- support for organisations and activities that encourage women's economic and business development
- capacity-building for women's NGOs.

New Zealand also plays an active role in the OECD's Development Assistance Committee's Working Group on Gender and Development; and works closely with key Pacific regional players to co-ordinate donor activities designed to enhance the status of women.

PUBLICATIONS REFERRED TO

Ministry of Women's Affairs, 2001, *Beijing +5, Women 2000: Gender Equity, Development and Peace for the 21st Century*, Wellington.

Ministry of Women's Affairs, 2001, *Beijing +5 Summary*, Wellington.

ARTICLE 9

NATIONALITY

1. *States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.*

2. *States Parties shall grant women equal rights with men with respect to the nationality of their children.*

CITIZENSHIP

There has been no change since New Zealand's last periodic report.

In New Zealand, "nationality" is a legal term distinct from "immigration status". Issues relating to immigration status and refugee and migrant women are therefore discussed under other Articles. See Article 10: Education, for Adult ESOL, p.71; and Article 11: Employment, p.90; Article 12: Health, p.105; and Article 16: Marriage and Family Life, for refugee and migrant women, p.153.

ARTICLE 10

EDUCATION

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods

(d) The same opportunities to benefit from scholarships and other study grants

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely

(g) The same opportunities to participate actively in sports and physical education

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

ACCESS AND PARTICIPATION

Early Childhood Education

From 1990 to 2001, the number of enrolments in early childhood education has increased by almost 45 percent from 118,367 to 171,333. This slightly overstates the actual number of children, as one child can be concurrently enrolled in more than one service. The largest growth was in the enrolments of one- and two-year-olds, which almost doubled over this period. Women's increasing participation in the workforce, better understanding of the value of early childhood education, and the availability of a wider range of services contributed to the steady climb in enrolments. Girls and boys are equally represented across the range of services and ages. In 2001, girls accounted for 83,254 (48.6 percent) of enrolments. Although this is less than for boys, it reflects a difference in the gender distribution of the population in this age group rather than a gender difference in participation. The percentage of girls in the under-five population was 48.8 percent at the 2001 Census.

Mäori enrolments in early childhood education increased by 3.9 percent between 1996 and 1999, but decreased by 3.2 percent between 1999 and 2001. Köhanga reo (Mäori language nests) remain the largest providers, with 9,743 children attending 612 ngä köhanga reo at 1 July 2001. Mäori children as a percentage of all early childhood education enrolments fell slightly from 18.9 percent to 18.5 percent between 1996 and 2000. Mäori children are under-represented in early childhood education, with 42 percent of Mäori children under five being in some form of early childhood education, as opposed to 61 percent of non-Mäori.

Enrolments of Pasifika* children in early childhood education increased by 8.4 percent between 1996 and 1999, and by 3.6 percent between 1999 and 2001. Kindergarten, Education and Care Services (including licensed Pacific Islands Education and Care Centres) and licence-exempt Pacific Island Early Childhood Groups are the biggest providers. In particular, the number of licensed and chartered Pacific Islands Education and Care Centres increased from 30 in 1996 to 69 at 1 July 2001. Pasifika children are under-represented in early childhood education, with 42 percent of Pasifika children under five being in some form of early childhood education, as opposed to 58 percent of non-Pasifika children.

The government has introduced specific policy initiatives, such as the Promoting Participation Project and Equity Funding, which target groups that are under-represented in terms of participation in early childhood education. It is important that there are quality early childhood services. To this end, the government has increased the qualifications requirements for teachers and put in place a number of supporting policies, such as incentive grants and teacher scholarships for Mäori and Pasifika peoples, to help teachers and early childhood services meet the new requirements.

A strategic plan for early childhood education, largely developed by a sector working group, will be launched in September 2002. The purpose of the strategic plan is to improve the quality of early childhood services in New Zealand, and to increase the participation, particularly of children from Mäori, Pasifika and low-income families, in quality early childhood services.

Large numbers of caregivers, mainly mothers, are involved in the early childhood sector on a voluntary basis. Regulations require parents to be informed about their children's learning, and many early childhood services, particularly the Playcentre movement and köhanga reo, offer programmes of training for parents in pre-school education.

In addition, the government also supports a wide range of parenting support programmes such as Parents as First Teachers (PAFT), Home Instruction

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* The term Pasifika peoples does not refer to a single ethnicity, nationality, or culture. It is used by the Ministry of Education, and encompasses a diverse range of peoples from the South Pacific region and people within New Zealand who have strong family and cultural connections to Pacific Island countries.

Programme for Pre-school and Year One Youngsters, Family Start, Whānau Toko i te Ora (run through the Mäori Women's Welfare League), and Anau Ako Pasifika.

The Education Review Office regularly evaluates and publicly reports on the performance of early childhood centres. Reports note any evidence of gender bias in programmes or practices. Early childhood educators are aware of the need to provide appropriate and challenging programmes for girls, and considerable improvement has been noted in the provision of gender-neutral interactions and practices.[8]

Primary and Secondary Schooling

In New Zealand, schooling is compulsory for children between their sixth and sixteenth birthdays. However, most children attend school from their fifth birthday and stay beyond their sixteenth. Every person who is not a foreign student is entitled to free enrolment and free education at any state school during the period beginning on their fifth birthday and ending on the first day of January after their nineteenth birthday. State schools can ask only for donations, not fees. Activity or course-related fees or uniform costs may be a financial barrier for some families. Many schools can assist parents with these costs but the main recourse for parents will be through the income support system. Extra resources are given to some schools to provide specialist facilities for teenagers who are parents.

Of the total number of students (729,689) attending schools in 2000, 51 percent were male and 49 percent female. There was a fairly even distribution of males and females across all types of schools. The exceptions were composite (area) schools that mostly serve rural communities, where 57 percent of students in 2000 were female; the Correspondence School (72 percent female); and special education schools (37 percent female).

All state primary schools and most state secondary schools are co-educational. In 2000, approximately 34,800 girls attended all-girl schools while 36,200 boys attended all-boy schools.

Senior school retention rates have decreased for both boys and girls since the last periodic report. Girls stay on at school slightly longer on average than their male counterparts.

Seventy-one percent of Mäori girls aged 16 were still in school in 1999. In 1986, the proportion was 48 percent. The pattern is similar for Mäori boys, although their rates of retention have been lower than those for Mäori girls every year since 1990. However, at age 18 in 1999, a greater proportion of Mäori boys (12 percent) than Mäori girls (10 percent) were still in school. This higher rate of retention may indicate that on average Mäori boys take longer to get to the same class level as Mäori girls, since at age 18 Mäori girls are more likely than Mäori boys to have left school with qualifications.

Female students tend to leave school with a higher level of qualification than males, and more women go directly on to tertiary study. An estimated 54 percent of female school-leavers were enrolled in a formal tertiary programme of study in 2000, compared with 45 percent of male school-leavers.

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[8] Ministry of Education, 2002.

Social Issues

The Ministry of Education has a broad range of interventions, and works with other agencies at both the local and national level, to address the impact of social problems in schools. Interventions include Social Workers in Schools, the Youth Mentoring Programme, and Resource Teachers Learning and Behaviour. Social Workers in Schools, an inter-sectoral policy with the Department of Child, Youth and Family Services, is currently being evaluated.

Post-Compulsory Education and Training

At July 2001, women comprised the majority of formal students across all types of providers in tertiary education, with their representation being particularly strong in colleges of education and wänanga (Mäori tertiary institutions), where 79 percent and 71 percent respectively of students were women. Women also comprised 56 percent of students in universities and private training establishments, and 55 percent of students in polytechnics.

Although women have traditionally been less likely than men to be involved in tertiary education, the participation of women is now higher than that of men at all ages. In 2001, in the 18–24 age group, 38 percent of all women were enrolled at public Tertiary Education Institutions (TEIs) and Private Training Establishments (PTEs), compared with 32 percent of all men. Among those aged 25 years or over, women's participation was 7 percent compared with 5 percent for men.

Times series data, which is available for TEIs only, shows that in 1990 participation of 18- to 24-year-olds in tertiary education was higher for men than for women, and the two groups had similar participation rates in the 25+ age group. By 1993, women's participation surpassed that of men in both age groups, and in the past six years the gap has been increasing.

More than 78 percent of the increase in TEI student numbers between July 1994 and July 2001 has been women students (Table 1). At July 1994, women made up 53 percent of students at TEIs, but by July 2001 the percentage had increased to 57 percent. Table 2 shows that much of this increase has come from women aged 25 years and over.

Table 1: Contribution to Growth in TEIs, Between July 1994 and July 2001, by Gender and Attendance Status

Status	**Male %**	**Female %**	**All %**
Full-time	32	52	84
Part-time	-10	26	16
All students	**22**	**78**	**100**

Source: Ministry of Education, 2002

Table 2: Contribution to Growth in TEIs, Between July 1994 and July 2001, by Gender and Age

Age	**Male %**	**Female %**	**All %**
Under 25	3	15	18
Over 25	19	63	82
All students	**22**	**78**	**100**

Source: Ministry of Education, 2002

in 2000, 53 percent of women completed a programme of at least a degree, compared with 52 percent of men. However, men are much more likely to complete a postgraduate programme than women. Mäori women are less likely than non-Mäori women to complete a postgraduate qualification. The extent to which cost and funding of tertiary education are factors in women's completion of tertiary courses is unknown, but a myriad of factors is likely to be involved.

Table 3: Programmes Completed in the 2000 Academic Year

Programme	**Male**		**Female**	
	Number	**%**	**Number**	**%**
Postgraduate	4324	17.9	4978	13.6
Degree	8291	34.3	14745	40.3
Diploma	2423	10.0	4525	12.4
Certificate	9075	37.6	12,284	33.6
Total	**24,113**	**100**	**36,532**	**100**

Programme	**Mäori Male**		**Mäori Female**	
	Number	**%**	**Number**	**%**
Postgraduate	212	7.4	322	6.4
Degree	660	23.1	1418	28.4
Diploma	485	17.0	929	18.6
Certificate	1503	52.6	2330	46.6
Total	**2,860**	**100**	**4,999**	**100**

Source: Ministry of Education, 2001

In 2000, females were over-represented in the medical and health, social behavioural and communication, and education fields. Conversely, they were under-represented in transport and communication, engineering, industrial trades and crafts.

Mäori Women

The government wants to reduce educational inequalities between Mäori and non-Mäori, and began work on this issue in 2000 with the Mäori Education Strategy. Funding was introduced for tertiary institutions to improve support and services to Mäori learners. The purpose of this funding is to improve the completion and achievement rates of Mäori, to ensure they achieve higher educational outcomes.

Pacific Women

The government is concerned with reducing educational inequalities between Pasifika peoples and non-Pasifika peoples, and began work on this issue in 2000 with the Pasifika Education Plan. Funding was introduced for tertiary institutions to improve support and services to Pasifika learners. The purpose of this funding is to improve the completion and achievement rates of Pasifika learners, to ensure they achieve higher educational outcomes.

Financial Assistance for Tertiary Students

The cost of tertiary education is subsidised by the government. In addition, full-time students from lower-income families (i.e. students who are unable to support themselves or who rely on parental support alone) are entitled to student allowances. In 1992, a student loan scheme was established to provide loans to students to cover fees and course-related costs, and to assist with living expenses. The Student Loan Scheme provides support for all people who wish to borrow to undertake tertiary education. New Zealand is one of the few countries where funding is demand-driven. Consequently, participation rates in tertiary education overall, and among women, are very high by international standards. Women now comprise 57 percent of New Zealand tertiary students.

As the gender pay gap is greatest between tertiary-qualified women and men, women generally take longer than men to repay student loans. The Ministry of Education has estimated the following average repayment times:

Table 4: Average Repayment Times, 2002

Average Repayment Time (Years)	**Male**	**Female**	**Overall**
European	7.5	11.6	9.7
Mäori	8.0	11.6	10.1
Other	9.7	13.9	12.0
All Groups	**8.0**	**12.0**	**10.3**

Source: Ministry of Education, 2002

This may create a disincentive for some women to enter tertiary education. However, the income-contingent nature of the Student Loan Scheme means that those earning below the repayment threshold are not required to make repayments, although their debt still incurs interest at the inflation-adjusted rate. This provision was put in place to recognise that, at various times in their working lives, individuals including women who take time out of the workforce to raise children, may have difficulties meeting their repayment obligations.

It is difficult to compare the student loan interest rate with commercial mortgage rates. Some form of security is usually required for mortgage borrowing. Student loans, however, are unsecured so that all students can access them. Their interest rates (currently a maximum of 7 percent) would be more appropriately compared with those on unsecured personal loans, which currently exceed 12 percent. Furthermore, because of the full interest write-off while studying, and the new repayment provisions that the government has introduced, approximately 70 percent of students do not pay the full interest.

The government has recognised the need for more and better information on the impact of the Student Loan Scheme. Ministers directed Statistics New Zealand to investigate options for providing this data. A scoping exercise carried out in conjunction with the Ministry of Education showed that the integration of Ministry of Education, Ministry of Social Development and Inland Revenue student loan data was feasible, and that an integrated dataset of quality could be produced. The Privacy Commissioner indicated that he was comfortable with the proposed methodology. Funding was approved on 9 April 2002. This project will help to provide information for future policy development, forecasting, and assessing some of the socio-economic impacts of the scheme, including impacts on women and ethnic groups.

The government has introduced a number of initiatives to the Student Loan Scheme to ease the financial burden on all students. These include:

- ensuring, through its fee stabilisation policy, that tertiary fees have not gone up since 2000

- charging no interest on loans for students studying full time, or studying part time and earning low incomes
- maintaining the interest rate, in the 2001/02 income year, at 7 percent
- instituting new repayment provisions which mean that at least 50 percent of repayments, less the inflation component, now goes to the repayment of principal.

These changes will accelerate the repayment of principal and reduce the length of time it takes borrowers to repay their loan. See Table 4 above for average repayment times.

As part of Budget 2002, the government has also committed the following funding over the next four years:

- $214.3 million to help keep tuition fees stable
- $5 million to remove, for students with dependent children and spouses, the one-week gap between payment of the student allowance and the Unemployment Benefit Student Hardship
- $2 million to provide a 50 percent increase in the student accommodation benefit paid to sole-parent students.

As a result of its funding review, the government has recently announced its "fee maxima" policy. This means that students will continue to contribute towards their study through provider-set tuition fees up to a set maximum, for different subject types and possibly level combinations. This will provide students with certainty about future costs and therefore offer some predictability about the expected level of their student loan debt.

A select committee inquiring into student fees, loans and allowances reported to Parliament in October 2001. It recommended that the government undertake an extensive research programme into tertiary education resourcing as a matter of priority, and that the research must include an analysis of the economic, social and educational implications of the current system operated in New Zealand, and a comparative analysis of systems in comparable jurisdictions.

In response to the select committee's report, the government is reviewing student support issues. Significant progress in the reform of the tertiary education system has already occurred, in particular through the review of funding and the development of the Tertiary Education Strategy 2002/07. Changes to student support will need to be well considered, incremental, and made over the long term.

The development of the Tertiary Education Strategy 2002/07 involved widespread public consultation, so that many women contributed to the final strategy. The strategy sets out the government's high-level priorities and objectives for the next five years in tertiary education. These include improving the participation and achievement of women in skills, industry, and qualification areas where they have traditionally had low participation, and engaging with Māori women and their communities. The Interim Statement Tertiary Education Priorities 2002/03 required tertiary education organisations to begin implementing "Objective 20: Equity of Access and Opportunity for all Learners".

Training Opportunities

The Training Opportunities programme, managed by Skill New Zealand, was introduced in January 1993 to provide training for school-leavers and long-term unemployed people with low qualifications. At the beginning of 1999, this programme was split into two strands: Training Opportunities and Youth Training. The design and delivery of the training are required to meet the needs of Mäori, who made up 42 percent of trainees in 2001, and Pasifika learners, who comprised 10 percent of trainees in 2001. In 1996, eligibility for Training Opportunities was expanded to include people who had been on the Domestic Purposes Benefit for a year or more. This made the training available to more women, who now comprise 53 percent of trainees, exceeding the national target of 50 percent participation by women. In 2001, 48 percent of females and 52 percent of males from Training Opportunities went on to full- or part-time employment within two months of leaving the programme, and 13 percent of women and 11 percent of men went on to further training.

Youth Training

The Youth Training programme was split from Training Opportunities at the beginning of 1999. The purpose of Youth Training is to provide a bridge towards employment, further education or training for school-leavers with low or no qualifications. It aims to significantly raise the educational and vocational achievements of eligible young people while providing opportunities for them to explore work options. As with Training Opportunities, Youth Training's design and delivery are required to meet the needs of Mäori, who make up 46 percent of learners, and Pasifika learners, who comprise 10 percent of learners. Female participation is currently 43 percent, exceeding the target of 40 percent. In 2001, 59 percent of women and 65 percent of men went on to employment or further education on leaving Youth Training.

As a result of a recent review of Training Opportunities and Youth Training, the government will significantly enhance the contribution of these programmes and ensure they focus more sharply on the acquisition of critical foundation skills and on the achievement of sustainable employment.

Skill Enhancement

The Skill Enhancement programme provides training for Mäori and Pasifika learners aged from 16 to 21 years. In 1997, there were 629 learners, 38 percent of whom were women. By 2001, that number had grown to 828 learners, 52 percent of whom were women. Results for 2001 show that 82 percent of women and 79 percent of men went on to further education or full-time employment within two months of leaving Skill Enhancement.

Continuing Education

The number of adults returning to school has decreased in the last five years, but second-chance education remains more popular with women than with men. In 2001, 7,674 adult students (over the age of 19) were attending secondary schools. Of these, 5,276 (70 percent) were women.

Community education programmes based in schools and tertiary institutions also provide educational opportunities for adults. These are based in local communities and offer courses, which do not lead to formal qualifications, outside normal working hours. In 2000, 13,451 adults, 65 percent of whom were women, participated in non-formal community and general education programmes at tertiary institutions. A further 213,111 adults, 74 percent of whom were women, attended school community education programmes during 2000.

The government established a sector working group to provide advice on the future of the adult and community education (ACE) sector, which reported to Ministers in 2001. As part of the tertiary education reforms and development of a Tertiary Education Strategy, further work is being undertaken on ensuring access to high-quality adult and community education. In particular, significant work is under way on the priority area of foundation skills development, as a result of the Tertiary Education Strategy, the New Zealand Adult Literacy Strategy, and the Review of Training Opportunities and Youth Training.

Adult ESOL (English for Speakers of Other Languages)

The Ministry of Education is currently working on an Adult ESOL Strategy, to assess current demand for and provision of adult ESOL, and present a vision for the future. Cabinet has agreed to the release of a consultation document. Some of the issues the strategy intends to address, and which impact on women refugees' and migrants' experience of ESOL, include the need for very basic literacy programmes, programmes with childcare, and programmes that are affordable. One of the ways in which women refugees and migrants currently access ESOL is through adult and community education, where they make up around 65 percent of participants in such courses.

CURRICULUM

The New Zealand Curriculum Framework sets out the broad elements fundamental to learning and teaching in New Zealand, and has a strong emphasis on raising achievement for all learners in a context of equity and inclusiveness. The Framework states that the programmes will be gender-inclusive, non-racist and non-discriminatory, and that they will seek to foster these attributes in students.

There has been substantial investment in both professional development and resource development to support the new curriculum. Contracts for resource development and publication to support the curriculum, both in print media and increasingly in electronic media, require the promotion of a positive self-image for girls and women.

In the early childhood sector, a voluntary curriculum, "Te Whariki", was introduced in 1995 following extensive consultation. This curriculum, supported by the Statement of Desirable Objectives and Practices, covers the range of desired learning for young children, and emphasises a gender-inclusive curriculum with appropriate resources, equipment, programmes and role models.

Sexuality Education

Under the Education Standards Act 2001, state and state-integrated schools can no longer opt out of providing sexuality education classes; however, parents retain the right to withdraw their children from these lessons.

Amendments to the Education Act 1989 mean that schools will be expected to implement "Health and Physical Education in the New Zealand Curriculum" (HPE). This includes sexuality education, and will be compulsory for all students up to the end of Year 10. Strategies for managing the risks of sexual decisions are suggested for programmes from level 5 in the HPE curriculum – approximately Years 9 and 10. The new NCEA framework, which includes health education and hence sexuality education, is attracting students to senior classes where there are opportunities to study these aspects.

Professional development and materials funded by the Ministry of Education include a focus on sexuality education to prepare and support teachers implementing sexuality education as a key area of the HPE curriculum. There has also been targeted funding for sexuality education. Schools are required to undertake self-review of programmes, and the Education Review Office investigates the quality of education provided for students in schools.

"Hauora i Roto i te Marautanga o Aotearoa", the HPE curriculum in te reo Māori, is due to be distributed for consultation and trialling. Te Akoranga Hokakatanga (sexuality education) is a key area in the publication. Resources for teachers and professional development to support the Marautanga, including Te Akoranga Hokakatanga, will begin in 2003.

The Ministry of Education has also been working closely with the Ministry of Health in the development of the Sexual and Reproductive Health Strategy (see Article 12: Health, pp.111-12).

Career Guidance

Schools must provide career education for students in Years 7–13. This is provided through curriculum areas in Years 7–9. More specific career information and advice are provided in Years 10–13.

QUALIFICATIONS SYSTEM

The same conditions exist for the achievement of qualifications for all learners in New Zealand.

Over the last decade, a National Qualifications Framework has been introduced. It includes a range of unit standards of learning across a wide range of skills areas, as well as standardised criteria for their assessment, and these are credited towards various qualifications. The Framework is based on a concept of seamless education, allowing credits to be accumulated during and beyond the school years. This has positive implications for life-long learning, and in particular for women whose careers are interrupted by childbearing.

In addition, the introduction of a Recognition of Prior Learning (RPL) system allows for the valuing of a wider range of skills and experiences. This also has positive implications for women and ethnic groups.

A new qualification system, the National Certificate of Educational Achievement (NCEA), was introduced in 2002 and will replace the previous secondary school certification system. The three levels of the NCEA correspond to levels 6, 7 and 8 of the national curriculum, and include industry-based standards as well as achievement standards. There is recognition of achievement, merit or excellence for each achievement standard. The system includes both internal and external assessment, with national moderation by the New Zealand Qualifications Authority (NZQA).

The current qualifications system is under constant review to consolidate coherent life-long learning pathways across the education framework. The NZQA therefore continues to enhance its capacity to continually monitor trends, assess implications, and develop strategies to respond quickly and appropriately to the qualification needs of the New Zealand community. This regular review reflects cultural diversity and gender-specific needs, values and expectations.

ACHIEVEMENT

Gender Literature Review

In 2000, the Ministry of Education published an extensive literature review by Adrienne Alton-Lee and Angelique Praat, *Explaining and Addressing Gender Differences in the New Zealand Compulsory School Sector.* This was followed in 2001 by a publication for schools, *Questioning Gender: Snapshots,* also from this review.

The review considered achievement information from recent international and national studies. For Year 5 students, international studies in reading literacy (1991) and mathematics and science (Third International Mathematics and Science Study (TIMSS), 1994) showed that New Zealand girls achieved far better than boys in literacy, a little better in science, and about the same in mathematics.

However, closer examination showed significant differences within groups of boys or girls, particularly when differentiated by ethnicity. Non-Mäori and non-Pasifika children's achievement in all subject areas exceeded that of other ethnic groups. Mäori children were close to the international mean for literacy, but below the international mean for science and even further below for mathematics. Within ethnic groups, Mäori girls performed at a higher level than Mäori boys in mathematics, science, and reading literacy at Year 5. In reading literacy, Mäori girls performed above the international mean, in contrast with Mäori boys who, on average, performed below the mean. Pasifika girls, on average, performed just below the international mean on reading literacy, whereas Pasifika boys' performance was markedly lower. In some subject areas, gender gaps within ethnic groups were not marked. For example, Pasifika boys and girls had no gender gap in their low performance in science at the Year 5 level.

Achievement in Curriculum Areas

In science at Year 4 in 1999, boys scored higher than girls on 30 percent of tasks. At Year 8, boys outperformed girls on 27 percent of tasks. These differences were still less marked than achievement differences by ethnic group.

In mathematics at school-entry level, girls perform significantly better than boys. However, gender differences at Years 4 and 8 are minor, but vary by ethnicity.

Girls performed significantly better than boys on half the National Education Monitoring Project (NEMP) reading tasks at Year 4 in 2000. However, at Year 8, girls performed better than boys on 10 percent of tasks.

NEMP assessment results reveal few significant gender differences in performance in art in Year 4 and Year 8. In music, girls performed at a significantly higher level than boys on NEMP tasks, but again these differences were outweighed by differences in school decile level and ethnicity.

The 2000 PISA (Programme for International Student Assessment) study of 15-year-olds across the OECD showed significant gender differences in all participating countries in favour of girls. New Zealand girls, on average, ranked second in reading literacy among girls from OECD countries. In comparison, New Zealand boys, on average, ranked seventh equal for boys among OECD countries.

In mathematical literacy, New Zealand was among five countries that achieved a high average score and small gender differences. In scientific literacy, both female and male students achieved relatively high scores, with girls scoring, on average, 12 points above boys.

Recent changes in the technology curriculum have attempted to confound the traditional gendered patterns of participation, but there is evidence that these are persistent. In the 2000 NEMP report, Year 4 boys scored higher than Year 4 girls on two of 19 tasks. By Year 8 there were gender differences on seven of the 23 tasks, with boys scoring higher on four tasks (primarily relating to control technologies) and girls on three (primarily relating to design).

In Year 4 social studies, the only statistically significant gender differences in achievement showed boys on average scoring higher than girls on two tasks involving maps. However, at Year 8, boys outperformed girls on six of 19 NEMP tasks, and girls scored higher on three tasks.

Senior School Qualifications

Overall, achievement statistics at the senior secondary school show minor gender differences, with girls slightly ahead.

In University Bursary and Entrance Scholarship examinations (Year 13), statistics, English, calculus and physics are the most popular subjects with boys, while English, statistics, biology and geography are most popular with girls. History and art are more popular with girls than boys at senior level. There continue to be more males than females in senior mathematics and science classes, and males are slightly more likely to do well in mathematics.

Females were more likely than males to gain an A or B grade in School Certificate in 2000, with the most significant difference being in English. In University Bursary and Entrance Scholarship examinations in 2000, slightly more females than males gained a B grade or higher. However, Mäori and Pasifika secondary students, including girls, did less well in secondary school examinations than other ethnic groups.

In 2000, Mäori girls sitting examinations in Years 12 and 13 got better grades than their male counterparts. That year, 32 percent of Mäori girls left school with no qualifications or less than 12 credits at Level 1, compared with 39 percent of Mäori boys and 13 percent of non-Mäori girls. Five percent of Mäori girls left with an A or B University Bursary, compared with 3 percent of Mäori boys and 25 percent of non-Mäori girls.

More females than males leave the schooling system with a high academic qualification. In 2000, 18,166 females (67.6 percent) left school with Sixth Form Certificate or better, compared with 16,869 males (60 percent).

TEACHING STAFF

In April 2000, there were 40,408 full-time equivalent teachers employed in New Zealand state and state integrated schools. Within this total, there were significantly more female teachers (28,030, or 69 percent) than males (12,378, or 31 percent).

Since 1996 the number of full-time equivalent teachers has increased by 7.6 percent (2,869 teachers). However, women teachers have increased at a disproportionate rate to men teachers. Only within special schools have male teachers increased at a greater rate than females.

The Ministry of Education has strategies designed to increase the numbers of Mäori and Pasifika teachers.

Even though there are more women than men teachers, women are less likely to hold the position of school principal. However, this inequality has narrowed over time. In 1996, women comprised only 31 percent (787) of the full-time equivalent principal teacher workforce, and by 2000 this had increased to 35 percent (898). The imbalance is more apparent in secondary schools, where 26 percent of principals are women, compared with 36 percent for primary schools.

Women are also less likely than men to hold teacher management positions. In April 2000, 27 percent of all female teachers were in management positions, compared with 40 percent of male teachers. This inequality was more apparent in secondary schools, where 39 percent of female teachers were in management positions, compared with 51 percent of male teachers.

A recent initiative to develop principals and aspiring principals may have a positive impact on the proportion of women moving into principal and senior management positions. These initiatives, which begin in 2002, provide more structured professional development and greater support and guidance both for those moving into principal positions and for existing principals.

Pay parity for primary school teachers with secondary teachers was agreed to in 1996, effective from February 1998. In 2000, approximately 80 percent of state primary school teachers were women.

At 1 July 2001, there were 19,222 teaching staff in early childhood education services, not including köhanga reo. They included paid and unpaid staff and adults on duty, and 18,874 (98 percent) of them were women.

In September 2001, the Kindergarten Teachers' Pay Parity Working Group was established. Its function was to plan the introduction of pay parity between kindergarten teachers, the majority of whom are women, and teachers in the schools sector. The working group reported to the Minister of Education in January 2002, with recommendations regarding the benchmarking of positions and phasing in of pay parity. These recommendations formed the basis for negotiating the latest kindergarten teachers' collective agreement, which will apply from 1 July 2002. Settlement has been reached on this agreement and is awaiting ratification by union members.

SCHOOL BOARDS OF TRUSTEES

Boards of Trustees, made up of parents and community representatives, govern New Zealand schools. As at December 2001, 51 percent of trustees were women.

Under the State Sector Act 1988, Boards of Trustees are required to report annually to the Education Review Office, outlining their school's equal employment opportunities policy and programmes. There has never been full compliance with this requirement (in 1999 only 40 percent of schools submitted EEO reports), and the standard of EEO reporting has consistently been low.

As part of a rationalisation of school planning and reporting legislation, the provision in the State Sector Act 1988 for separate EEO reporting is being removed. In the future, school EEO planning and reporting will be dealt with under the National Education Guidelines. This should allow EEO requirements to be tailored to the school sector, and lead to a higher level of practice and compliance. In addition, the sector has agreed to refocus EEO from compliance to human resource capability, by attending to two main outcomes: the quality of personnel systems, and optimal development and utilisation of current and future staff. This should ensure that EEO planning concentrates on improving human resource practice and supports the recruitment and development of quality teachers.

PUBLICATIONS REFERRED TO

Education and Science Select Committee, October 2001, Inquiry into Student Fees, Loans, Allowances and the Overall Resourcing of Tertiary Education, Wellington.

ARTICLE 11

EMPLOYMENT

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

2. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

WOMEN IN THE PAID WORKFORCE

Labour Force Participation Overview, Average for Year to June 2002

	% All Female	% All Male
Working age population	51.3	48.7
Labour force	45.4	54.6
Not in labour force	63.0	37.0
Employed	45.4	54.6
Unemployed	46.4	53.6
Full-time employment	37.4	62.6
Part-time employment	72.1	27.9

Source: Household Labour Force Survey, Statistics New Zealand

Female Labour Force Participation and Unemployment Rates, Average for Year to June 2002

	All Women	Māori Women	Pacific Women	European/ Pākehā Women	Other Women
Labour force participation rate (% of working-age population)	58.9	57.5	53.5	60.7	47.3
Unemployment rate (% of labour force)	5.4	12.4	9.9	4.0	7.6
No. of working-age population (15 years & over)	1,509,800	160,000	74,600	1,147,000	126,700

Source: Household Labour Force Survey, Statistics New Zealand

The percentage of working-age women (those 15 years and older) in the labour force has continued to rise in the past six years. In the year to June 2002, an average of 58.9 percent of working-age women participated in the labour force – 2.1 percentage points higher than the average for the year to June 1996. Women made up an average of 51.3 percent of the working-age population in the year to June 2002 (down from 51.4 percent in the year to June 1996), 45.4 percent of the labour force (up from 44.6 percent), 45.4 percent of the total employed (up from 44.6 percent), and 46.4 percent of the unemployed (up from 45.3 percent).

The unemployment rate for women has also improved, from an average of 6.2 percent in the year to June 1996 to an average of 5.4 percent in the year to June 2002. Over the same period, the proportion of employed women who work part- time rose 0.3 percentage points to 36.5 percent. These changes are summarized in the table below.

Labour Force Participation Changes, Year to June 2002 (% point change 1996-2002)

% point change 1996-2002	All Female	All Male	Māori Women	Pacific Women	European/ Pākehā Women	Other Ethnic Women
Labour force participation rate	+2.1	0.0	+5.8	+3.8	+2.5	-3.0
Unemployment rate	-0.8	-0.8	-3.3	-4.9	-0.6	-2.5
Proportion of employed working part-time	+0.3	+1.7				

Source: Household Labour Force Survey, Statistics New Zealand

Mäori Women

Mäori women have lower rates of participation in the labour force than European/Päkehä women, although both have had an increase since 1996. Unemployment rates for Mäori women have fallen significantly since 1996, although they remain higher than for European/Päkehä women.

Pacific Women

Pacific women have lower rates of participation in the labour force than European/Päkehä women, although both have had an increase since 1996. Unemployment rates for Pacific women have fallen significantly since 1996, although they remain higher than for European/Päkehä women.

Other Ethnic Women

"Other ethnic women" includes women who are not in the Mäori, Pacific or European/Päkehä ethnic groups. A finer breakdown of this group of women is not possible. The Household Labour Force Survey samples are too small to provide meaningful information about refugees or migrants by country of origin. They do provide some information about recent migrants, but origin has to be aggregated to a very high level to be statistically significant

Labour force participation for women in "other" ethnic groups has fallen between the year to June 1996 and the year to June 2002. The most likely explanation is that new women immigrants did not enter the labour force at the same rate as women from "other ethnicities" already in New Zealand. Women in "other" ethnic groups also face an unemployment rate above that of European/Päkehä women, and below that of Mäori and Pacific women. This has improved moderately in the past six years.

Work and Age

Labour force participation for women varies considerably by age, with the highest rate in the year to June 2002 being recorded in the 45–49 age bracket (at 81.4 percent). The smallest differences between men's and women's participation occur for those aged 15–19, 65+ and 45–49, while the largest differences occur for those aged 30–34 and 60–64. The highest unemployment rates in the year to June 2002 occurred in the 15–19 and 20–24 age brackets for both men and women.

Hours of Work

The number of hours worked per week differs significantly for men and women; this reflects the high rates of participation in part-time work for women compared with men. In the year to June 2002, an average of 36.5 percent of women in employment and 11.8 percent of men in employment were in part-time work, and women comprised 72.1 percent of all part-time workers. In the year to June 1996, an average of 36.2 percent of employed women and 10.1 percent of employed men were in part-time work, and 74.3 percent of part-time workers were women. It is not possible to disaggregate rates of part-time and full-time work further by casual or permanent work.

Proportion of Those in Employment in Part-Time Employment (%), Average for Year to June 1996-2002

Year Ended June	Female	Male
1996	36.2	10.1
1997	37.4	10.5
1998	37.4	11.0
1999	38.3	11.4
2000	36.7	11.4
2001	35.8	11.3
2002	36.5	11.7

Source: Household Labour Force Survey, Statistics New Zealand

This situation partly reflects the different decisions that men and women make, as part-time work allows many women to combine paid work and family responsibilities. Nevertheless, a large number of those in part-time work wish to work more hours than they do. In the year to June 2002, an average of 31.5 percent of men in part-time work said they would prefer to work more hours, compared with 22.8 percent of women; but because women make up most of those in part-time employment, 65.2 percent of all part-time workers wanting more hours were women.

The average number of women holding multiple jobs in the year to June 2002 was 47,600, up from an average of 28,200 in the year to June 1987, and from 42,300 in the year to June 1996. This compares with the number of multiple job holders who are men, which is lower than for women and has increased by less over time, from 30,200 in the year to June 1987, to 37,900 in the year to June 1996, and down to 32,600 in the year to June 2002.

Occupation

Women and men are distributed quite differently among occupational groups. In the year to June 2002, women were most likely to be employed as service and sales workers (21.5 percent of employed women), clerks (20.4 percent), professionals (16.5 percent), and technicians and other professionals (14.2 percent). Men were more likely to be employed as trades workers, legislators, administrators and managers, plant and machinery operators, professionals, and technicians and other professionals. However, over the past six years, the proportion of women employed as legislators, administrators and managers, as professionals, and as technicians and associate professionals has increased.

The sectors in which women and men work also vary, with women concentrated in community and personal services (41.4 percent of employed women in the year to June 2002), and wholesale and retail trade (23.9 percent). Men, by comparison, are more likely to be found in the manufacturing sector (20.7 percent), wholesale and retail trade (19.8 percent), and community and personal services (17.2 percent). The distribution of employed women and men across sectors has not changed significantly since 1996, although there has been strong growth in female employment in community and personal services and in business and financial services.

Earnings

The average ordinary-time weekly earnings for females, as at May 2002, were $607.97. This represents 78.7 percent of the average ordinary-time weekly earnings for males ($772.68), although the difference is partly due to differences in hours worked. By sector, average hourly earnings have grown by similar percentages for males and females since May 1996, except in four industries. These are property and business services, and personal and other services, where female wage growth has been stronger; and electricity, gas and water, and cultural and recreational services, where male wage growth has been stronger.

Nevertheless, the average ordinary-time hourly earnings for women were 84.8 percent of those for men at May 2002. The rise in average ordinary-time hourly earnings since May 1996 has been greater for women (up 20.5 percent, compared with 16.8 percent for men). The gap between female and male average ordinary-time hourly earnings was wider in the public sector (where female earnings were 80.1 percent of male earnings) than in the private sector (82.3 percent).

Comparisons of Average Hourly Earnings by Gender and Ethnicity, Income Survey, June 2001

Women	Men	Ratio	Mäori	Päkehä	Ratio
$14.93	$17.71	84.3%	$13.60	$16.90	80.5%
Women's Average Hourly Earnings Comparisons					
	Päkehä women	Pacific men	Mäori men	Päkehä men	All men
Päkehä women				82.5%	86.2%
Mäori women	85.6%		92.8%	70.6%	73.8%
Pacific women*	81.5%	91.1%		67.3%	70.3%

Source: Income Survey, Statistics New Zealand. The ratios calculated for Pacific women are subject to high sampling errors.

Factors that influence women's and men's average wage levels have been analysed by the Department of Labour. They include educational attainment (accounts for 10 percent), years of workforce experience (15–50 percent), dependent children (10 percent) and occupational differences (24–40 percent). Some of the relative improvement in the gender pay gap at the lower earnings level may be attributable to shifts in men's employment to lower-paying service sectors, rather than to improved earnings for women (see pp.88-9 for Pay Equity project).

Women in Self-Employment and Small Business

The number of women who were self-employed and without employees increased by 9 percent to 66,700 between the year to June 1996 and the year to June 2002. This compares with a 7.1 percent rise among their male counterparts (to 149,400). However, the number of women classified as employers fell by 1.3 percent to 39,100 over the same period – less than the 4.6 percent fall in the number of male employers.

Women in Combat

The New Zealand Defence Force commissioned the Human Rights Commission to carry out a Gender Integration Audit of the New Zealand Defence Force in 1997–1998. The findings, published in 1998, are known as "The Burton Report". This project built on previous work undertaken by the New Zealand Defence Force, namely the 'Report on the Review of Good Working Relationships in the Defence Force' (1995), and the publication of EEO Policy and Harassment and Discrimination Prevention Policies applicable to both military and civilian personnel in 1996. In 1997 the New Zealand Defence Force was also experiencing an increase in complaints from women of sexual harassment in employment.

The audit process provided for wide consultation with staff on the issues, themes and value stances relating to gender integration. The Chief of Defence Force and the Single Service Chiefs of Staff accepted the recommendations contained in the Burton Report. To lead organisational development for EEO on behalf of the Chief of Defence Force, an Equity Directorate was established and a Director Personnel Equity Policy was appointed within the Personnel Branch of HQ NZDF in January 1999.

Since the Burton Report was published, single services have taken action on specific recommendations within their jurisdiction. The Burton Report also prompted activity beyond the specific recommendations to those that encompass wider EEO initiatives. In January 2000, the Chief of Defence Force lifted all restrictions on the employment of women in combat roles. Single Service Chiefs of Staff were asked to establish procedures for the employment of women in those trades from which they were excluded, with a goal of full integration by 2005. The Air Force was the first service to remove all restrictions on the employment of women in military trades, and women have had access to a career as a pilot since 1989. The Navy opened the Diving Branch to the employment of women in February 2000, so removing the last restricted trade within that service. This issue is more complex within the New Zealand Army, which is concentrating on a phased implementation. For example, in some areas, new equipment will be needed to remove certain "strength" barriers so that women may move into all combat roles. Single Service Chiefs are required to evaluate all roles, with a goal of full integration by 2005. The Chiefs are required to report their progress by 1 October each year.

ADDRESSING BARRIERS TO EQUALITY IN EMPLOYMENT

Employment Relations and Women

The Employment Relations Act 2000 (ERA), which came into effect on 2 October 2000, contains a number of provisions which, though not aimed specifically at women, seek to redress inequalities in bargaining power and may therefore benefit women. These provisions include:

- promotion of collective bargaining
- a requirement that all parties to an employment relationship, including employers, employees and unions, deal with each other in good faith
- a requirement to provide new employees who are not members of a union with an opportunity to consider whether or not to join the union

- a requirement to provide new employees, where there is no relevant collective agreement, with sufficient information and an adequate opportunity to seek advice before entering into an individual employment agreement.

In addition, the anti-discrimination provisions of the ERA continue to provide protection against discrimination on various grounds, including sex and sexual harassment. Any employee may pursue a personal grievance under the Act. A personal grievance is defined as a grievance that an employee may have against their employer or former employer because of a claim that the:

(a) employee has been unjustifiably dismissed; or
(b) employee's employment, or a condition(s) of their employment, has been disadvantaged by some unjustifiable action by the employer; or
(c) employee has been discriminated against in their employment; or
(d) employee has been sexually harassed in their employment; or
(e) employee has been racially harassed in their employment; or
(f) employee has been subject to duress in relation to (non) membership of a union or employees' organisation.

Information on employment rights under the ERA was provided by a website, a free phone line, information sheets, and booklets in several languages, including one on parental leave.

The Department of Labour is undertaking a three-year evaluation of the ERA to assess the impact of the Act on employers, employees and unions. In the short term, the evaluation is focusing on the direct impacts of the Act. Longer-term assessment may include a focus on the more indirect economic impacts on different groups in the labour market, including women.

Sexual Harassment

Until September 2000, the Employment Contracts Act 1991 extended to all women the right to take sex discrimination cases, including cases of sexual harassment, to the Employment Court as a personal grievance. The complainant was required to choose either the Employment Contracts Act or the Human Rights Act as the forum for a complaint, and cases could not be transferred from one jurisdiction to another.

When the ERA replaced the Employment Contracts Act, the provisions relating to sexual harassment were strengthened by explicitly including direct and indirect requests or behaviour, and also including the use of visual material of a sexual nature. Where an employee is sexually harassed at work by an employee, customer or client of the employer, the employee may make a complaint to their employer. The employer must inquire into the facts and, where satisfied that harassment has occurred, must take all practicable steps necessary to prevent any repetition. If any such repetition occurs and the employer has not taken all practicable steps to prevent it, the employee has a personal grievance as if the offending person was the employer.

The ERA provides for problem-solving procedures that encourage employees and employers to try to solve problems for themselves, with the assistance of information and mediation services if necessary. If these processes are unsuccessful, employees may take a personal grievance to the Employment Relations Authority, an investigative body that operates in an informal way. The complainant must choose either the ERA or the Human Rights Act as the forum for a complaint.

The Human Rights Commission (HRC) report, *Unwelcome and Offensive: A Study of Sexual Harassment Complaints to the Human Rights Commission 1995–2000*, examined the 284 formal complaints of sexual harassment that had been dealt with by the HRC during the previous five years. It revealed the following information on sexual harassment complaints:

- Employment accounts for 90 percent of all reported cases. The small number of cases (less than 5 percent) in the education sector can be attributed to the considerable activity over two decades to implement policies, contact networks, and training in tertiary and secondary institutions. The relatively few cases elsewhere may be attributable to a lack of awareness that complaint is possible.
- 96 percent of harassers are male. In 90 percent of cases they harass females. Females harass males in 2 percent of cases, and other females in just under 2 percent.
- Complaints are predominantly from workplaces with fewer than ten employees. Large organisations usually provide internal complaints procedures, training and policies on sexual harassment. Most small organisations that are complained against do not have a sexual harassment prevention policy.
- The largest employment sector represented in the complaint statistics is food and hospitality. This sector accounts for 19 percent of cases, although it constitutes only 4.5 percent of the workforce. Health and community services, which make up 8 percent of the workforce, follow with 12 percent of cases. Women predominate in both employment sectors.
- There appears to be proportionally less harassment in the construction, manufacturing, property and business sectors. However, there are fewer women in construction and manufacturing, and employees in the property and business sectors may be more able to afford lawyers to settle the matter.
- The average age difference between the accused and complainant is 17 years. In the large majority of cases, the alleged harasser is either the employer/owner of the business or senior to the employee. Many complainants are receptionists, secretaries or unskilled workers.
- Nearly two-thirds of complainants lose their job. Just under half leave because they cannot cope with the working environment, and one-sixth are fired when they complain. Sexual harassment is generally a disastrous occurrence in the complainant's life, taking months or years to recover from and having major effects on physical and emotional health. A dread of going to work is common, as is lowered work performance and deteriorating home and work relationships.
- A quarter of cases are mediated and nearly half are investigated. Of these, 83 percent are found to have substance and are conciliated. As for monetary compensation, one settlement was almost $80,000, one $50,000 and two $30,000. The vast majority are under $12,000 and the average is $5,746. Conciliation agreements normally include an undertaking to introduce sexual harassment prevention training and policies, to prevent similar problems in future. For changes to the HRC's disputes resolution processes, see Article 2: Anti-Discrimination Measures, p.29.

Occupational Health and Safety

The Health and Safety in Employment Act 1992 places primary responsibility on employers to take all practicable steps to ensure that employees are not harmed while at work, by assessing and managing risks associated with workplaces and work practices.

The Department of Labour's Occupational Safety and Health Service (OSH) identifies those sectors where the risk of injury or illness is high, and prepares strategies to address the management of that risk. This approach has identified few gender-specific issues.

In addition, in accordance with the approach outlined above, OSH targets sectors, such as health, that have a predominance of women workers. Health care workers face risks such as workplace violence and contraction of infectious diseases. A Health Care Strategy has been devised to increase awareness of hazards in the industry and to improve health and safety for health care workers. To achieve these aims, OSH field staff will visit individual employers to ensure that they comply with the requirements of the Health and Safety in Employment Act 1992. OSH will also work with representatives of the industry and the government agencies that regulate and purchase services from the sector.

In the same regard, the proposed amendment to the Act contains provisions that, while not gender-specific, may enhance women's occupational health and safety. For example:

- the proposal to create a flexible starting point for the limitation period (based on "reasonable discovery"), which will make it easier to prosecute breaches of the Act that result in occupational illness
- the proposal to include the health and safety of air crew under the Act
- the proposal to extend coverage to include volunteers working for the gain or reward of an employer (research undertaken by the Ministry of Social Development has shown that women comprise the majority of the volunteer workforce).

Equal Employment Opportunities (EEO)

The ERA requires all collective agreements to be filed with the Department of Labour. Information is collected on the number of agreements containing statements or programmes relating to EEO. Seventeen percent of the collective agreements in the database contain EEO provisions, covering 38 percent of employees covered by the collective agreements.

EEO Advisory Group

A government-appointed advisory group on EEO reported to the Minister of Labour in 2001 as part of a process for developing proactive measures to ensure that all employment decisions are made on the basis of merit. A key recommendation that a dedicated EEO Commissioner be located in the Human Rights Commission was adopted, and that position has been established as part of recent changes to the Human Rights Act 1993. A Commissioner is yet to be appointed but the position was put in place from 1 July 2002 and has been allocated $1.464 million over four years by the 2002 Budget. The functions of the Commissioner include:

- lead discussions by the Commission on EEO, including pay equity
- provide advice and leadership on EEO, in the course of activities undertaken in the performance of the Commission's functions, both when engaging in those activities and otherwise when consulted
- evaluate, through the use of benchmarks developed by the Commissioner, the role that legislation, guidelines and voluntary codes of practice play in facilitating and promoting best practice in EEO
- lead the development of guidelines and voluntary codes of practice to facilitate and promote best practice in EEO, including codes that identify related rights and obligations in legislation
- monitor and analyse progress in improving EEO in New Zealand and to report to the Minister on the results of that monitoring and analysis
- liaise with, and complement the work of, any trust or body that has as one of its purposes the promotion of EEO.

EEO and the State Sector

EEO obligations are placed on employers in the state sector, primarily by the State Sector Act 1988. The Act contains EEO provisions and responsibilities for chief executives within the public service. One of the principal functions of the State Services Commissioner is to promote, develop and monitor EEO policies and programmes for the public service. Chief executives of government departments are required to operate personnel policies consistent with the principle of being a good employer. These provisions include recognition of the employment requirements and/or aims of EEO target groups, safe working conditions, and impartial selection and opportunities that enhance the abilities of individual employees. Chief executives are required to develop and publish an EEO programme, ensure compliance and include in their department's annual report a summary of the programme and an account of the extent to which it was met. The Act also requires chief executives to appoint on merit. The Government is considering issues around EEO reporting in the wider public sector as part of its 'Review of the Centre'.

See Article 7: Political and Public Life, p.55, for the New Zealand State Services Commission Career Progression and Development Survey.

EEO Trust

The Joint Equal Employment Opportunities Trust promotes equal employment opportunities as good management practice among New Zealand businesses. Employer subscriptions and the government fund the Trust. In the 2002 Budget, the government more than doubled its contribution to the EEO Trust from $445,000 to $1.061 million per annum.

The EEO Employers Group, launched in 1997, was developed to help organisations demonstrate their commitment to EEO and value the diversity in their workplaces. Currently 298 organisations, approximately 61 percent of which are private sector, belong to the group.

The annual EEO Trust Diversity Index reports on progress towards workplace diversity in New Zealand. The annual Work and Family Awards honour employers who have supported their employees in balancing work and family. The number of entrants for the awards has grown significantly, and represents a greater variety of public and private sector organisations.

EEO Contestable Fund

The Equal Employment Opportunities Contestable Fund was established to promote EEO programmes and practices in private sector workplaces. The fund was disestablished by the 2002 Budget, to be offset by the strengthened EEO Trust.

The projects supported by the Fund produced resource material made publicly available through the EEO Trust. The Fund was used for projects to promote EEO among a range of designated groups. During the reporting period, the Fund supported projects relevant to women in the following areas:

- EEO issues for low-paid employees
- preventing harassment
- managing diversity
- EEO workshops for small businesses
- ideas for managers
- organisational costs and benefits of employer-provided dependant-care facilities
- video and booklet on benefits of out-of-school care
- fair and equitable remuneration
- valuing working parents and effective retention strategies – resource booklet for employers
- integrating breastfeeding and paid work – guidelines
- improving the awareness of legislative requirements and of the business benefits that diversity offers.

Minimum Wage

The government has significantly increased the statutory minimum wage rates since 1999, and extended the adult rate to cover 18- and 19-year-olds. The youth rate (for 16- and 17-year-olds) was increased to 80 percent of the adult rate in 2002. Legislation allowing a minimum wage to be set on the basis of training status has been introduced into Parliament and will be passed this year. The government has indicated that the minimum training wage will be set at the rate for 16- and 17-year-olds, which is currently $6.40 per hour.

The government anticipates that the increase in the minimum wage rate will improve income adequacy for individuals in low-wage work, among whom women and Mäori are disproportionately represented. The direct impact of the adult minimum wage on the gender pay gap and women's wages more generally is likely to be small, given that fewer than 2.8 percent of adult workers earn the minimum wage.

Training Incentive Allowance

In January 1999, changes to the Training Incentive Allowance (TIA) came into effect. These reduced the amount available to cover course costs from 100 percent to 60 percent, and capped the maximum amount available at $3,000 per annum or $75 per week. Access to TIA was also restricted for those who had completed a degree in the past five years. This had implications for women, who make up 91 percent of TIA recipients. In January 2000, changes were made to the TIA to reverse the 1999 changes by removing the 40 percent co-payment requirement and by extending eligibility for short-term courses to people who have gained a degree in the past five years. Work is proposed to review how the TIA is used, and how it is aligned with other training and educational assistance within the overall benefit system, to seek more effective ways to assist people in training and education, including women.

Paid Parental Leave

The Parental Leave and Employment Protection (Paid Parental Leave) Amendment Act was passed on 30 March 2002, and took effect from 1 July 2002. Eligible women are entitled to 12 weeks' paid parental leave, funded by the government, which they can transfer to their partners (including same-sex partners). To be eligible, they must have worked for at least one year for at least ten hours a week for the same employer. The payment fully replaces existing earnings, up to a maximum of $325 gross per week, which is 70 percent of the average female wage. Women can choose whether they receive the paid parental leave provision or the existing parental tax credit, which pays up to $150 a week to low- and middle-income families.

The government contributed to the ILO's revision process relating to Convention 103, which led to the adoption of Convention 183 on Maternity Protection. The Parental Leave and Employment Protection Act is not yet compatible with Convention 183, but work is under way to assess the reservations on CEDAW and ICESCR (International Covenant on Economic, Social, and Cultural Rights) in light of the new provisions.

There will be an evaluation of the implementation and effects of paid parental leave, proposals to enhance the scheme in terms of eligibility, and the method of funding, to be reported to government in July 2003. This will provide an opportunity to assess a range of issues raised by submissions on the Bill, such as the length of the leave period, the level of the payment, and the implications of the present eligibility criteria in relation to the groups currently excluded, such as the self-employed, which includes many rural women, and employees with short-term employment or low hours.

The paid parental leave provisions apply in conjunction with the existing entitlement of 52 weeks' unpaid parental leave, which is available to eligible employees under the Parental Leave and Employment Protection Act. Other complementary provisions that may assist women in employment, such as childcare, early childhood education and projects funded by the EEO Fund on work and family issues, are discussed below.

Pay Equity

See Earnings, p.81, for information on the gender pay gap.

The Government Services Equal Pay Act 1960 and the Equal Pay Act 1972 entitle women and men to equal pay if they are doing the same job. These laws address direct pay discrimination against women within a firm or organisation. However, equal pay for work of equal value, or pay equity, is not addressed by legislation.

In July 2002, an EEO Commissioner position was established within the Human Rights Commission. One of the functions of the Commissioner is to lead discussions by the Commission on EEO, including pay equity (see Article 11: Employment, pp.85-6).

In 1999, the Ministry of Women's Affairs (MWA) published two reports as part of a gender earnings gap research series: *Performance Pay Systems and Equity: An Analysis in Five New Zealand Organisations*, and *Homecare Workers: A Case Study of a Female Occupation*. The key findings of *Performance Pay Systems and Equity* suggest that there is widespread indirect discrimination in the operation of pay systems, and those systems which do not take into account the contributions of women employees do not work well in general terms. *Homecare Workers* highlighted ongoing issues for this predominantly female workforce, including low rates of pay, poor working conditions, limited opportunities for training and self-advancement, and the low value assigned to the caring professions.

In 2000, the Department of Labour published an occasional paper, *Pay Inequality Between Men and Women in New Zealand*. This study examined changes in the gender earnings gap in New Zealand between 1984 and 1999, a period in which the female-to-male ratio of average hourly earnings was estimated to have improved by approximately five percentage points. The contribution to the gender pay gap of long-term changes in male–female educational attainment, years of workforce experience, and occupational distributions was estimated, and the effects of motherhood and part-time employment on women's earnings were examined. The results suggest that the contraction of the gender earnings gap was due to a combination of convergence in measured skill levels and job distributions, and to reductions in "residual" or unexplained pay inequality. Ten to 50 percent of the gender pay gap remained unexplained. Male–female differences in workforce experience and type of occupation were important factors in the gender pay gap that remained at the end of the 1990s.

MWA, in consultation with the Department of Labour and the State Services Commission, is undertaking a pay equity project, which will identify and evaluate possible policy options that may achieve pay equity within the current labour relations framework. As a first step, MWA released a discussion document for public consultation, from July to November 2002, that focuses on equal pay for work of equal value.

The Department of Labour is developing a work plan that may inform future work on potential policy initiatives to achieve a pay equity policy objective. Stage 1 will research the nature and extent of policy initiatives in other countries, particularly the extent of compliance with ILO 100 on Equal Remuneration and CEDAW. Stage 2 will develop a framework for assessing the potential of policy initiatives to achieve a pay equity objective within the New Zealand employment relations framework. This includes identifying critical success factors for assessing whether such initiatives would reduce the gender pay gap. Stage 3 will include identification of potential policy initiatives. This work programme is due to be completed by July 2003.

Initiatives for Women Disadvantaged in the Labour Market

The Community Employment Group (CEG) of the Department of Labour works alongside communities to help them achieve social and economic prosperity through local employment and enterprise development. CEG targets those groups who face a range of disadvantages in the labour market, in particular Māori, Pacific peoples, women, and the rural and urban disadvantaged.

CEG is committed to increasing the range and quantity of community employment assistance to women. To achieve this, CEG has developed a Women's Strategy to address particular employment barriers facing women (not to be confused with the Women's Strategy being developed by the Ministry of Women's Affairs). The strategy focuses on:

- updating women's skills
- reaching out to women isolated by location or by being at home with children
- assisting women to enter or re-enter the workforce
- developing enterprises using arts and culture
- increasing women's skills and familiarity with new technologies
- building on cottage industry
- providing good role models and mentoring support for women
- using the whänau networks for Mäori women to encourage positive activity
- working with Pacific women's groups to build on existing successful initiatives and develop new ones
- assisting women with strategic planning and feasibility plans to increase the number of new ventures.

Mäori Women

CEG has also undertaken the Mäori Women's Leadership Initiative to invest in the development of Mäori women with strong leadership potential, and to access assistance for their development. This development must contribute to the capacity of community groups in which they work and thereby improve services to Mäori, iwi, hapü and whänau.

CEG also funds the Mäori Women's Development Fund, administered by the Mäori Women's Development Incorporation, which provides business support and loans to Mäori women establishing businesses. This is widely regarded as having been a successful initiative for over 12 years.

Pacific Women

CEG has also undertaken the Pacific Women's Leadership Initiative to assist organisations and communities to identify the needs of Pacific women. It emphasises the development of leadership ability, including management skills and confidence building.

Refugee and Migrant Women

Refugee and migrant women are protected by New Zealand's employment legislation and also by the New Zealand Immigration Service's policy and practice, which seeks to punish traffickers and smugglers but does not make victims of those who have been exploited. The Employment Relations Service of the Department of Labour prosecutes transgressing employers, and takes court action to recover owed wages and holiday pay on behalf of their victimised staff. The Transnational Organised Crime Act 2002 established major penalties for traffickers and smugglers, and can also be used to prosecute transgressing employers.

Women with Disabilities

The EEO Trust, together with the EEO Employers Group, has published a series of 11 booklets aimed at employers and entitled *People with Disabilities and Work*. These include a booklet that deals with mental health issues in the workplace. The booklets are not gender-specific.

Childcare and Early Childhood Education

Recognising that lack of access to adequate childcare services can be a barrier to women's participation in the labour force, the government provides subsidised childcare services for pre-school and school-age children. The government supports the provision of out-of-school care and early childhood education. A brief summary of recent initiatives is given below.

National Survey on Childcare

In July 1999 the National Advisory Council on the Employment of Women (NACEW) and the Department of Labour launched the report *Childcare, Families and Work: The New Zealand Childcare Survey 1998: A Survey of Early Childhood Education and Care Arrangements for Children*, based on the findings of the 1998 Childcare Survey. The report has informed policy developments and further research in the area.

Childcare and OSCAR Subsidies

A fee subsidy is available to low-income families to assist with the cost of early childhood and out-of-school care. The childcare subsidy is available for up to nine hours a week for any activity, provided that the caregiver meets the income test and the child(ren) attend(s) an approved childcare facility. To access the subsidy for more than nine hours, the caregiver must be in employment, attending approved education or training, have children with a serious disability or illness, or have a serious disability or illness themselves.

The maximum number of hours per week that can be subsidised was increased from 30 to 37 from 1 February 2001 for parents in employment or training. The 2002 Budget allocated an extra $4.333 million to the childcare subsidy over the next four years, in anticipation of an increase in the use of OSCAR by those on low incomes who can access the subsidy.

Work is currently under way to improve access to childcare. This may include widening the hours of provision and assessing the subsidy for childcare and OSCAR.

Out of School Care (OSCAR)

The government has supported the establishment of OSCAR programmes since 1996. The Development Assistance pilot programme operated in 1996 and 1997, and a subsequent scheme, OSCAR Development Assistance Funding, operated from 1999 to 2001. The 2001 Budget extended the availability of funding to some centres at risk of closure. Both schemes provided establishment grants to new OSCAR programmes in low-income areas. The latter scheme provided $20,000 to each of 97 programmes over a two-year period to help them to establish. It was intended that they be self-supporting after this time, so the scheme ceased on 30 June 2001. An extra $360,000 in total was made available to programmes assessed as being at risk of closure for 2001/02. The 2002 Budget allocated $36.592 million over the next four years to out-of-school care, with $29.84 million going directly to OSCAR services.

An evaluation of the OSCAR Development Assistance Funding has shown that many OSCAR programmes struggle to maintain financial viability from parental fees alone. Many rely on volunteer labour and outside sources of funding. Work is being undertaken to determine how best to support the financial viability of OSCAR programmes.

Work-Life Balance

The Department of Labour is undertaking a two-stage programme on work-life balance as part of its Future of Work Programme. In the short term, the Department is preparing an information initiative that will provide an introduction to work-life balance, the generic benefits and costs associated with it, terms and conditions that can be bargained over, and available resources. This initiative is expected to be launched in October 2002, using the Future of Work website. Over the medium term, the Department proposes a research agenda that involves examining work-life balance from the perspective of employers and employees. This research would provide further information for both these groups, more relevant and targeted information on work-life balance, and a greater understanding of the issues to guide government policy.

The Social Security (Working Towards Employment) Bill (WTE Bill), to be considered by Parliament in late 2002, introduces as part of its goal-setting activities an emphasis on building capability and accessing opportunities. These include training and education, voluntary and community activities, and paid employment, as family responsibilities allow.

Modern Apprenticeships

Skill New Zealand funds Modern Apprenticeships Co-ordinators to facilitate apprenticeship placements for young people (aged 16–21), and to support Modern Apprentices and their employers during the training relationship. Young people will receive not only training but also encouragement and support for that training. This mentoring will reduce the costs and risks to employers of training young apprentices, and increase the number of young people gaining access to apprenticeships. It will be particularly important to women training in less traditional areas.

Although Modern Apprenticeships Co-ordinators are to "have particular regard to the needs of Māori, the Pacific Islands peoples of New Zealand, people with disabilities, and women" (Modern Apprenticeship Training Act 2000), participation by women has been very low – women were 5 percent of the total participants as at 30 June 2002. Thus far, the focus has been on establishing this initiative. Future efforts will be directed towards improving the participation of groups such as women, Māori and Pacific peoples.

Modern Apprenticeships as at 31 June 2002, by Ethnicity and Gender

	Male		**Female**		**Total**	
	(No.)	**(%)**	**(No)**	**(%)**	**(No)**	**(%)**
European/Pākehā	2,457		109		2,566	79
Māori	494		42		536	16
Pacific Peoples	48		17		65	2
Other	72		4		76	2
Not Stated	10		1		11	0
Total	**3,081**	**95**	**173**	**5**	**3,254**	**100**

Source: Skill New Zealand, 2002

Apprenticeships in the public sector, bakery and agriculture are currently the most popular with women. Work is under way to increase female participation by incorporating more industries to appeal to women, such as office administration, retail and hospitality.

Industry Training

The Industry Training strategy was introduced in 1992 to assist in the development of an internationally competitive and highly skilled workforce. The strategy is industry-led and designed to be responsive to the needs of enterprises and employees.

Since 1992, the number of industry trainees has increased from 16,711 at June 1992 to 78,240 at 30 June 2002. In 1992, women held 12 percent of industry traineeships; this had increased to 23 percent by 2002. Although hairdressing continues to attract a large number of female trainees (1,397 of the 17,869 women in industry training), other industry areas have eclipsed it: community support leads with 2,601 women trainees, second is hospitality standards with 1,819, and hairdressing is third. Other industries with a substantial proportion of female trainees are sports, fitness and recreation; engineering, food and manufacture; agriculture; and electro-technology.

Holidays Act

The government has announced the key components of a new Holidays Act. All employees who work on public holidays will be paid one-and-a-half times their ordinary rate, and holiday pay can be paid with wages rather than at the time of taking the holiday if employees agree in writing to this arrangement and have an employment agreement that covers less than 12 months. The changes will also provide a separate entitlement to bereavement leave in addition to the existing sick/domestic leave entitlement, and will allow sick leave to be accumulated to a maximum of 15 days.

Advisory Group on Contracting Out and Sale and Transfer of Business

Ministers are considering the second report of an advisory group on ways of protecting employees whose jobs are contracted out or affected by the sale or transfer of a business. Contracting out often involves low-paid work performed by women.

Special Temporary Measures

Special temporary measures to improve the *de facto* equality of women and other designated groups in the private sector are undertaken through the EEO Trust and the EEO Fund (see pp.86-7), and by NACEW.

Recent projects funded by the EEO Fund include work on fair and equitable remuneration; work and family issues; improving awareness of legislation and of the business benefits of diversity; and guidelines for employers on integrating breastfeeding and paid work, and for childcare centres on the handling, storage and preparation of expressed breast-milk.

NACEW funded two small-scale research projects in 2001. The topics were "The differential impact of the student loans scheme on men and women", and "Supporting Pacific Nations women into early childhood education".

UNEMPLOYMENT

Income Support

See Article 13: Economic and Social Life, pp.122-3, for information on Family Support, Widows Benefit and Domestic Purposes Benefit.

Programmes Targeted at Job-Seekers

Government assistance is available to women who are registered as unemployed and receive income assistance, including unemployment benefits and benefits for sole parents. Assistance available to both women and men includes wage subsidies, transition to work grants (including the Work Start Grant which can be used to pay for essential costs resulting from starting work), work experience, community work, job search assistance, and training. It is envisaged that the introduction of the Working Towards Employment plan will enhance the take-up of training opportunities for women. This work is also looking at barriers to accessing childcare. The major training initiative is the Training Opportunities programme (see Article 10: Education, pp.69-70). Targeted employment assistance is primarily contracted from external providers by regions.

Regional flexibility allows regions to develop local solutions (within the national outcomes framework) to better meet the employment needs of clients. With the move towards greater regional flexibility within the Ministry of Social Development, each region has externally contracted services within their own region. Below is a breakdown of contracted services specifically targeted at women job-seekers.

Contracted Services Specifically Targeted at Women Job-Seekers

Region	Volume Per Year	Targeted Programmes for Women
Northland	87 places	Work Confidence programmes. 60 for Māori women
North Auckland	60 places	Orientation and Transition to Work programmes. 40 for Māori Women
Central Auckland	75 places	Work Confidence programmes. 12 places on Computer Literacy for DPB women
Waikato	100 places	Work Confidence programmes.
Bay of Plenty	414 places	Work Confidence programmes. 105 for Māori and 15 for Pacific women
Central	196 places	Work Confidence programmes. 30 for Māori women and 34 for Work Track or Transition to Work for women
Taranaki	388 places	Work Confidence programmes. 80 for Māori women
Wellington	199 places	Work Confidence programmes. 72 for Māori women
Nelson	255 places	Work Confidence programmes. 12 for Māori women
Canterbury	80 places	Work Confidence programmes.
Southern	250 places	Work Confidence programmes.

Source: Department of Labour, 2001

Work on third-tier assistance, including the special benefit, is under way, and a process to evaluate the implications of the WTE Bill is being developed.

Women with Disabilities

The government funds specialised employment services for people with disabilities, including women and those who experience mental illness. These services aim to increase the participation of people with disabilities in paid employment and in their wider communities. They are in addition to other government-funded employment programmes and services that people with disabilities may access along with other job-seekers. These services are not gender-specific.

"employABLE – Nga Pukenga Hei Whai Mahi" is a new initiative to assist people receiving Sickness and Invalids' Benefits into sustainable paid work. Four two-year demonstration projects began in June 2002, run by community providers in partnership with the Ministry of Social Development. The government has allocated $3 million for the demonstration projects. Participation will be voluntary, and the services offered will recognise that ongoing holistic support in a number of areas may be required for these programmes to succeed. Three of the four demonstration projects will assist people with mental illness, following findings of the recent vocational services review that this group is under-served by current employment services. A full evaluation of the projects will be carried out to find out what works best to help recipients of Sickness and Invalids' Benefits find and stay in employment.

WOMEN'S UNPAID WORK

See Article 2: Anti-Discrimination Measures, p.33-4.

PUBLICATIONS REFERRED TO

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Ministry of Women's Affairs, 1999, *Homecare Workers: A Case Study of a Female Occupation*, Wellington.

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Report of the Advisory Group on Contracting Out and Sale and Transfer of Business to the Minister of Labour, April 2001, *Minimum Employment Standards Review*, Wellington.

State Services Commission, 2002, *Career Progression and Development Survey, 2000: Results for the New Zealand Public Service*, Wellington.

Statistics New Zealand, *Household Labour Force Survey*, Wellington.

ARTICLE 12

HEALTH

1. *States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.*

2. *Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.*

NEW ZEALAND HEALTH SYSTEM

Public funding of the majority of services, with access based on need, is the cornerstone of the New Zealand health system. Most health care in New Zealand is provided free of charge – the one exception to this is primary care, where a fee-for-service system exists for those aged over six years, although those on low incomes or who make regular use of primary care can obtain subsidised care.

Not all health care is provided under the publicly funded system. Individuals may have to wait for some, particularly non-urgent (elective) treatment, and are free to use the private sector for treatment if they wish to pay for it.

Recent Structural Reforms

The organisation of health and disability support services within New Zealand has gone through a number of changes in the last decade. These have ranged from a "purchaser/provider" market-oriented model put in place at the beginning of the 1990s to a more community-oriented model currently being implemented.

The New Zealand Public Health and Disability Act 2000 introduced a structure that reflects a desire to move away from a centralised approach to decision-making. To this end, 21 District Health Boards (DHBs) have been created. These are responsible for providing health care services to a geographically defined population and for running acute hospital services.

DHBs are expected to purchase and provide services that meet local needs. This reflects a move away from the purchaser/provider split in secondary care. DHBs have a majority of elected members on their boards (see Article 7: Political and Public Life, for a breakdown of members by gender and ethnicity). The objectives of the DHBs have implications for the improvement of health outcomes for women and for the participation of women in this area.

New Zealand Health Strategy

The New Zealand Health Strategy (NZHS) provides a framework within which the health sector should develop in the short to medium term. It highlights priorities that were developed following both an analysis of the areas most likely to maximise health gain and a large public consultation exercise. Out of 61 objectives, the NZHS identifies 13 priority areas in population health, each relevant to women, on which to focus in the short to medium term. The NZHS aims to improve population health, reduce inequalities in health, and improve the quality of services. It acknowledges gender as a determinant of health. In addition to the 13 priority areas, the following three areas are of specific relevance to women:

- support policies and programmes that support breastfeeding
- improve sexual and reproductive health
- ensure access to appropriate primary care, maternity and public health services.

The NZHS, the Primary Health Care Strategy and the New Zealand Disability Strategy together form the strategic direction for the health and disability sector. They are underpinned by a variety of more specific strategies such as the Mäori Health Strategy, the Health of Older People Strategy, and the Sexual and Reproductive Health Strategy.

The NZHS will be implemented:

- by the development of Toolkits to identify action that different organisations or providers can take to address the priority objectives
- by the development of detailed, action-oriented strategies for specific health issues, services or population groups
- through performance and/or funding agreements with the Ministry of Health, DHBs and providers.

Under the New Zealand Public Health and Disability Act 2000, the Minister of Health is required to table an annual report to Parliament on progress made towards the NZHS. The first of these, *Implementing the New Zealand Health Strategy 2001*, was tabled in December 2001.

Primary Health Care Strategy

On 11 December 2000, Cabinet agreed to the Primary Health Care Strategy, with its emphasis on improving the health of New Zealanders and reducing health inequalities through a strong primary health care system. Key components of the strategy include:

- the establishment of Primary Health Organisations (PHOs), funded by DHBs according to their enrolled populations
- a focus on meeting population needs through co-ordinated service delivery to improve, maintain and restore health
- funding that is not dependent on the type of practitioner or number of visits, thus allowing for innovative service-delivery models and the best mix of skills
- a commitment to timely and equitable access to services for all New Zealanders, regardless of their ability to pay.

PHOs are the local provider organisations through which DHBs will implement the Primary Health Care Strategy. They will provide at least a minimum set of essential population-based and personal first-line services, and will be not-for-profit bodies with full and open accountability for the use of public funds and the quality and effectiveness of services.

Providers, working with their DHBs, are able to establish individual PHOs from 1 July 2002. The formula used to fund PHOs recognises the higher service needs of women of reproductive age and older women. The funding formula and the Primary Health Care Strategy's emphasis on meeting population needs also mean that more support and funding will reach women, since they predominate among carers of young children and the elderly.

MÄORI HEALTH

He Korowai Oranga: Mäori Health Strategy

He Korowai Oranga is being developed to guide progress towards achieving the Mäori health objectives in the New Zealand Health and Disability Act 2000 and in the NZHS. A discussion document with a draft strategy was released in April 2001, and the final strategy is currently before Cabinet for approval. Whakatätaka, an action plan for implementing the strategy, will be released at the same time.

The strategy established four pathways to achieve the aim of whänau ora (family well-being):

- Pathway one: development of whänau, hapü, iwi and Mäori communities
- Pathway two: Mäori participation
- Pathway three: effective health and disability services
- Pathway four: working across sectors.

Mäori Provider Development

The Mäori Provider Development Scheme (MPDS) has completed its fourth year of funding. In 2000/01 Mäori providers were given $10 million to develop clinical guidelines, standards and infrastructures, and provide training in a number of areas including governance, financial management, clinical, te reo (Mäori language) and tikanga (custom).

Complementing workforce development support, which is targeted at people already working in Mäori health organisations, are the Mäori health scholarships. In 2001, scholarships were awarded to 446 students – 97 percent of all applications received. Of the successful applicants, 16 percent were in their final year of study. Recipients included sixth and seventh form secondary school students, doctors, nurses, midwives, physiotherapists, dental therapists, dentists, pharmacists and community health workers, at both undergraduate and postgraduate levels. A breakdown by sex is not available.

Mobile Disease State Management

Mobile Disease State Management is a new mobile nursing service intended to increase Mäori access to services for lung disease, heart disease and diabetes. Specific outcomes sought include early identification and intervention, empowerment of individuals and whänau to manage their own health effectively, and improved access to uptake of effective primary and secondary services. The service is yet to be evaluated.

A number of new service development initiatives for Mäori or targeted at Mäori include the following:

Intensive Home Visiting

The Home Visiting service seeks to reduce inequalities in health status and the impact of disabilities for those New Zealanders who are facing significant disadvantage, including gender and age groups, by providing information, education, support, advocacy and improved access to other services. The service also aims to promote greater collaboration between services such as education, welfare and housing that will impact positively on health.

Two pilot sites were selected as a result of an open tender process – a rural site in Tokoroa/Mangakino and an urban site within Mangere – for the establishment of this new service. Initial feedback from the providers indicated that, on average, 30 referrals were being received each week from individuals and families wanting to access the Home Visiting service. Further community consultation was undertaken in Mangakino following service delivery in May 2002.

Inter-sectoral Community Action for Health (ICAH) Projects

These projects aim to improve Mäori health outcomes through inter-sectoral partnerships. They usually combine the expertise and commitment of central and local government, iwi and other local organisations, DHBs and local providers to mobilise communities and extend access to primary care. Currently three ICAHs are operating in Kapiti, Porirua and South Auckland, and one is being developed in Northland.

As both the Intensive Home Visiting and ICAH initiatives are new, it is not yet possible to say what impact they have had on the health status of Mäori women and girls.

WOMEN'S HEALTH STRATEGY

The Ministry of Women's Affairs (MWA) advocates a gendered approach to health policy, rather than a women's health approach. This includes consideration of implications for women and men from different ethnic and cultural backgrounds.

A women's health approach risks confining the health of women to specific areas defined purely by biological difference, such as maternity care and breast and cervical screening. Biomedical and social research into the differences between the health of women and men has traditionally focused on their reproductive systems. Although important, this approach tends to neglect the complex social, cultural and political construction of gender roles in society and how these influence and are influenced by the wider determinants of health.

MWA distributed a discussion document to gauge women's views on a gendered approach to health and the development of a Women's Health Strategy (WHS). Consultation regarding the WHS indicated strong support for MWA to use a gendered approach to promote the health and well-being of women and the need for a pathway for implementation. This work within MWA will occur under the umbrella of the Women's Strategy (see Article 3, p.36).

The Ministry of Health Toolkits, developed to guide DHBs, provide another means of advancing women's health. MWA will work with the Ministry of Health when the

Toolkits are reviewed later in 2002. MWA will contribute to the gender analysis and recommend specific actions in relation to women's health in the Toolkits. A memorandum of understanding will be drafted between the Ministry of Health and MWA to formalise the relationship and specify expectations and timeframes.

REDUCING INEQUALITIES IN HEALTH

The causes of health inequalities are complex and generally beyond the control of those most affected. In New Zealand, as elsewhere, there are health inequalities between socio-economic groups, ethnic groups, women and men, and people living in different geographic areas. Strategies to reduce inequalities in health should comprehensively target the modifiable determinants of health.

The goals and objectives of the NZHS are designed to focus on improving the health of the overall population and reducing inequalities in health between groups within the population. Effective implementation of the NZHS will achieve these aims.

More specifically, the Ministry of Health has a work programme to reduce inequalities in health, which comprises:

- development and publication of an overview document setting out the evidence for reducing inequalities in health
- development and publication of a framework identifying points of intervention to reduce inequalities in health
- development and publication of an action kit setting out practical advice to reduce inequalities and highlighting best practice examples of current and past programmes aimed at reducing inequalities
- workshops for Ministry of Health and DHB staff in the use of the framework
- a strengthening of Ministry and sector accountability systems and processes to put greater emphasis on reducing inequalities
- development of a set of indicators to monitor progress in reducing inequalities.

The framework for reducing inequalities in health and the proposed work programme will give policy analysts, service planners and funders, and service providers the tools to assist them to achieve the government's aim of reducing inequalities.

In addition, ongoing implementation and evaluation of the demonstration projects that receive social equity contingency funding will provide the health sector with valuable information about people's experiences in delivering programmes designed to reduce inequalities.

GENERAL HEALTH STATUS INDICATORS

The following selected indicators describe aspects of the health status of women in New Zealand.

Fertility

Slight changes to New Zealand's continuing low fertility levels mean that total fertility rates are now the highest since 1993. Data from 1999 indicate that, on average, New Zealand women are giving birth to 2.05 children.[9]

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[9] Statistics New Zealand.

The Mäori population has a higher fertility level than that for the total population. On average, Mäori women give birth to 2.58 children.[10]

Life Expectancy

In New Zealand, where chronic diseases are the most common cause of death, life expectancy at birth provides an overall measure of the health influences over previous decades. During the past decade, most of the improvement in life expectancy has occurred at older ages, especially 65 years and over.[11]

The average life expectancy for females is 80.8 years, compared with 75.7 years for males (1998/2000).[12] The female advantage in life expectancy has decreased, as males' life expectancy improved more than that of females during the last two decades of the 20th century.

Mäori female life expectancy at birth for 1995–97 was 71.6 years, compared with 80.6 years for the non-Mäori female population, while Mäori male life expectancy was 67.2 years, compared with 75.3 years for non-Mäori males.[13]

Life expectancy at birth for Pacific peoples is slightly higher, at 70 years for males and 76 years for females.

Life expectancy improves as deprivation decreases. For females, life expectancy at birth varies from 77.2 years for the most deprived to 82.8 years for the least deprived, a difference of 5.6 years (1998/2000 data).[14] In this analysis, socio-economic status is assessed using a Census-based area index of deprivation, the NZDep96.[15]

Infant Mortality

A country's infant mortality rate – the number of live-born infants per 1,000 live births dying before the first year of life is completed – has been regarded as a sensitive indicator of the socio-economic performance of a society. The fall in New Zealand's infant mortality rate since the early 1990s has been attributed largely to the decline in the rate of sudden infant death syndrome (SIDS), resulting from changes in infant sleep patterns.

For both genders combined, the 1998 infant mortality rate was 5.4 per 1,000 live births. For Mäori, the rate was 7.7 per 1,000 live births; for Pacific people, 7.7; and for "Other", 4.1.[16]

Youth Suicide Rate

In 1998, 13.3 per 100,000 females, aged 15–24 years, committed suicide, compared with 38.5 for males. The youth suicide rate increased in the late 1980s. In 1999, the rate showed the first indication of a decline. The female youth suicide rate showed a slight and gradual increase during the 1980s and early 1990s, with a more marked increase in the mid-1990s. Females have a higher rate of attempted suicide than males.

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[10] Statistics New Zealand.
[11] Ministry of Health, 1999.
[12] Statistics New Zealand.
[13] Statistics New Zealand.
[14] Ministry of Health, 2001.
[15] Salmond *et al.*, 1998.
[16] New Zealand Health Information Service (NZHIS).

The Mäori population has higher suicide rates than non-Mäori. For female Mäori youths, the rate was 24.4 per 100,000, compared with 56.1 for male Mäori youths.[17]

See p.115 for details of the New Zealand Youth Suicide Prevention Strategy.

Ischaemic Heart Disease Mortality

Although ischaemic heart disease (IHD) mortality has been decreasing for decades, it remains the most common cause of death for both females and males.

In 1998, the female age-standardised rate of IHD mortality was 75.1 per 100,000 population, compared with 157.9 per 100,000 for males (Segi world population). For Mäori females, the age-standardised mortality rate was 118.6 per 100,000; for females in the "European/Other"[18] ethnic group the rate was 71.4 per 100,000, and for Pacific females 76.9 per 100,000.[19]

Cervical Cancer

There were 218 registrations for cancer of the cervix in 1997, with a registration rate of 8.9 per 100,000 population. The cervical cancer incidence and mortality rates are both decreasing. The incidence rate decreased by 39 percent from 1988 to 1997. Seventy-seven women died of cervical cancer in 1998, compared with 82 in 1996. The mortality rate in 1998 was 3.2 per 100,000 population, compared with 3.4 per 100,000 population in 1996. From 1988 to 1997 the mortality rate for cervical cancer decreased by 44 percent. New Zealand's rate of 2.8 deaths per 100,000 population ranks fifth highest among OECD countries.[20]

Mäori women are at increased risk of death from cervical cancer compared with non-Mäori women. In 1998, the Mäori cervical cancer mortality rate was approximately four times higher than that for "European/Other".[21]

See p.114 for details of the National Cervical Screening Programme.

Breast Cancer

In 1998, the breast cancer mortality rate for women aged 50–69 years[22] was 74.3 per 100,000. For Mäori women, the breast cancer mortality rate in this age group was 86.1, and for "Other" 71.1.[23] Female breast cancer had the highest registration rate of any type of cancer, and it was the most common site for females in 1997, the latest period for which figures are available. The increase in registration rates from 1993 to 1997 may be due to more complete reporting following the introduction of mandatory reporting by way of the Cancer Registry Act 1993. For this reason, data from 1997 cannot be compared with that for earlier years. Although breast cancer was the leading cause of cancer deaths for females (23.3 per 100,000 population), it had a low fatality/case ratio of 0.31. Between 1988 and 1997, the mortality rate for breast cancer decreased by 16 percent. New Zealand had the sixth highest mortality rate from female breast cancer in the OECD.

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[17] NZHIS provisional data.

[18] The "European/Other" ethnic group consists of all those not Mäori or Pacific. The numbers for Pacific women are too small to draw any meaningful conclusions.

[19] Ministry of Health.

[20] Ministry of Health and NZHIS.

[21] NZHIS.

[22] Ages 50-69 years are discussed here, as all women of this age are eligible for the national breast-screening programme.

[23] Ministry of Health unpublished data.

See p.113 for details of the National Breast Screening Programme.

RISK FACTORS TO HEALTH STATUS

Tobacco Consumption

In 2001, smoking prevalence among those aged 15 years and over was 25 percent for both females and males. Smoking prevalence has decreased only slightly during the last decade of the 20th century (approximately a two percentage point reduction from the early 1990s level).[24]

In those under 35 years of age, smoking is more prevalent for females than for males. The smoking rate in female youth is decreasing.[25]

Smoking rates are highest in Mäori females (52.5 percent), intermediate in Pacific females (28.5 percent), and lowest for "European/Other" females (21.7 percent). (Note: prevalence is not age-standardised.)

Obesity

Obesity increased from 11 percent of New Zealand adults in 1989 to 17 percent in 1997. In 1997, over half of all adult New Zealanders were overweight or obese. The table below shows the percentage of the adult population who were obese in 1997, disaggregated by sex and ethnicity.

Percentage of Obesity in Adult Population by Ethnicity and Sex, 1997

	Female %	Male %
European/Other	16.7	12.6
Mäori	27.9	27.0
Pacific	47.2	26.2

Source: Ministry of Health, 1999a

Physical Activity

In a 1996–97 survey, similar proportions of adult men and women had taken part in at least 2.5 hours of leisure-time physical activity in the previous seven days (60.3 percent of women, 61.5 percent of men). Of adult females, 61.6 percent of Mäori, 54.6 percent of Europeans and 56.9 percent of Pacific people were physically active.

Alcohol Consumption

A comparison of surveys in 1995 and 2000 found that there was an increase in the volume of alcohol consumed by women aged 14–17 and over 25 years during the five-year period. Women drank less often than men but, unlike men, increased the frequency with which they drank. This was true of women aged 14–17 and 30–49 years.

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[24] Ministry of Health, 2002.

[25] Ministry of Health, 2000 data.

Women also increased their typical quantities from just over two drinks per occasion to between three and four drinks. Women of all ages showed an increase in the typical quantities consumed, and the increases were most marked among those aged 16–24 years.

REFUGEE AND MIGRANT HEALTH

Refugee Health Care: A Handbook for Health Professionals was launched in November 2001. The handbook was developed for general practitioners and other health workers who care for refugee people. It provides information on the cultural and ethnic backgrounds of the main refugee groups in New Zealand, and guidance on conducting culturally sensitive consultations and on effective use of interpreters. There is information on physical and mental health issues common to refugee people, including conditions that may be unfamiliar to New Zealand health professionals. The booklet also includes a contact list of referral and support agencies.

The Ministry of Health funds a number of refugee health services, including the screening of quota refugees and asylum seekers, refugee health co-ordination and community health workers, HIV/AIDS education, female genital mutilation education, and community development.

Female Genital Mutilation

There have been no significant changes since the last periodic report. Ongoing work includes:

- an education project implemented in the Auckland region
- the updating and implementing of guidelines on health care and child protection
- the distribution of resources to health professionals
- provider training and support, including technical assistance
- education for communities affected by female genital mutilation.

MENTAL HEALTH

A nationwide psychiatric epidemiology study is being developed, with results expected in 2005. The study will allow the comparison of a number of aspects of women's and men's mental health and of prevalence rates for diagnosable psychiatric disorders. A field test has been completed.

Severe mental illnesses appear to occur with equal frequency in both sexes. However, women have a later age of onset of schizophrenia and a better prognosis than men. Women are also disproportionately vulnerable to common mental illnesses, including less severe forms such as depression, anxiety and somatisation disorder. Female predominance in common mental illnesses is restricted to the middle years of life, when women's social roles and responsibilities diverge most markedly from men's. Women also seek help more frequently for such problems.[26]

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[26] Ministry of Health, 1997, "Wider mental health issues for women", ***Mental Health in New Zealand from a Public Health Perspective***, Wellington.

Risk factors for women and mental illness are:

- never married, separated or divorced, or living alone
- coming from a large family
- low socio-economic status, including poor job security, low wages, unsatisfying work and poor financial security
- poor social networks
- poor physical health
- having no children
- a high alcohol intake
- physical and sexual abuse
- low self-esteem.

Mäori women also have a higher risk of developing a mental illness than non-Mäori women.

Other mental health issues unique to women are psychiatric syndromes related to the menstrual cycle, and post-natal depression.[27]

OLDER WOMEN

Although women consistently have a better life expectancy than men, they also tend to have proportionately higher rates of chronic illness and disability in later life than older men, who typically suffer from acute conditions. Older women have, on average, 7.6 years with a disability; Mäori women have 7.5 years. This compares with 6.2 years for all men and 5.2 years for Mäori men. Since health care delivery is geared towards acute-care programmes, it generally ignores the needs of older women, who require greater home care and not hospitalisation.[28]

Women tend to have fewer resources than men. They are more likely to:

- be widowed[29]
- live alone[30]
- have a lower income
- live in social and/or rural isolation
- be caring for a frail partner or elderly parents.

Older Mäori women are particularly disadvantaged, as they are more likely to have a combination of being widowed, living in a rural area, and having a low income.

Women aged 85 and over are more than 50 percent more likely than men of the same age to be receiving residential care. Figures for New Zealand are in the mid to upper range – 22.2 percent of men and 31.7 percent of women aged 85 and over reside in institutions.[31]

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[27] *Ibid.*

[28] UN Bulletin on Ageing, 1999.

[29] At the 2001 Census, 81.1 percent of women aged 85+ were widowed, compared with only 43.3 percent of men in that age group (Statistics New Zealand).

[30] Older women in their 80s are the most likely age group to be living alone (half of all women in their 80s lived alone in 2001). Fewer women in their 90s live alone as the likelihood of disability and the need for care increases (Statistics New Zealand).

[31] *Ibid.*

Socio-Economic Inequality

There is evidence that socio-economic inequalities have a cumulative health impact.[32] This is coupled in older age with the effects of lifetime deprivation (for example, poor nutrition in childhood) and disease. These factors tend to affect women, Mäori and Pacific peoples disproportionately.

Recent New Zealand research[33] has found that a cumulative mix of three sets of factors influences the overall material well-being of older people:

- current economic circumstances – net income, value of savings and investments, and accommodation costs
- exposure to past and current economic stresses
- social background – household composition, age, ethnicity, socio-economic status.

Three-quarters of the single participants in the survey were women, but the research makes little specific comment on gender. Most comparisons were between single people and couples/spouses and age groups rather than gender-specific.

Health of Older People Strategy

Health of Older People Strategy: Health Sector Action to 2010 to Support Positive Ageing, published in 2002, sets out a comprehensive framework for planning, funding and providing services for older people in New Zealand.

The primary aim of the strategy is to develop an integrated approach to health and disability support services that is responsive to older people's varied and changing needs. In line with the NZHS and NZDS, it emphasises health promotion, disease and injury prevention, promoting quality of life, and timely, equitable access to health and disability support services.

It includes a work programme for the Ministry of Health to provide the national framework for implementing the strategy, and for DHBs to develop an integrated approach to service provision in their own districts. Implementing the strategy will require the Ministry of Health and DHBs to systematically review and refocus services to better meet the needs of older people now and in the future.

Elder Abuse

Protecting vulnerable older people from abuse is one of the actions to be implemented in the Health of Older People Strategy. The Ministry of Health has also contracted with Age Concern for the development of elder abuse guidelines. The Department of Child, Youth and Family Services funds elder abuse prevention services, including co-ordination, education and referral services.

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[32] National Health Committee, 1998, *The Social, Cultural and Economic Determinants of Health in New Zealand: Action to Improve Health.*

[33] Fergusson *et al.*, 2001, *The Living Standards of Older New Zealanders.*

SEXUAL AND REPRODUCTIVE HEALTH

Information and Data

Information about sexual and reproductive health status and behaviour in New Zealand comes from a number of sources and is incomplete. There is a need for further information on births and associated mortality, and on abortions, including information on the woman's age, and district/area of births and abortions.

Sexual Behaviour

There is evidence that a sizeable minority of New Zealand teenagers have had sexual intercourse before they reach 16 years of age. There are also indications that, compared with previous generations, women are starting to have intercourse earlier.[34]

A cross-sectional study[35] within a birth cohort of 477 males and 458 females estimated that the median age for first sexual intercourse was 17 years for males and 16 years for females. At 15 years of age, 32 percent of females and 28 percent of males had had penetrative sexual intercourse.[36] This study also concluded that of the females who had had sexual intercourse before the age of 16 years, 70 percent regretted doing so.

Another New Zealand study (a self-report survey of 654 14-year-old students in Hawke's Bay) found that Mäori students were nearly three times more likely than non-Mäori students to be sexually active.[37]

No information is available on the age of initiation for young gay males or females.

Fertility

See General Health Status Indicators, p.101.

Teenage Fertility

After fluctuating in the early 1990s, the teenage fertility rate has been decreasing since 1995. In 2001, the fertility rate for those aged under 20 years was 28.1 per 1,000. The comparable figure for Mäori teenagers was 67.4.[38]

Research[39] has concluded that in New Zealand, teenage pregnancy is more common among Mäori women and women who:

- left school before the age of 15
- had intercourse before the age of 15
- did not use contraception at first intercourse.

In 2001, there were 3,773 live births to mothers aged under 20 years. Just under one-third (31 percent) of these births were to teenagers aged under 18 years. In

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[34] Health and Disability Analysis Unit, 1997.

[35] Dunedin Multidisciplinary Health and Development Study.

[36] Dickson *et al.*, 1998.

[37] Fenwick and Purdie, 2000.

[38] Statistics New Zealand.

[39] Dharmalingham *et al.*, 1997.

2001, the fertility rate for teenagers aged 13–17 years was 8.6 per 1,000, accounting for 2.1 percent of all live births in New Zealand.

In 2001, there were 1,939 live births to Māori teenage mothers. The fertility rate for Māori women aged 13–17 years was 21.9 per 1,000, more than four times that of non-Māori (4.7 per 1,000).

Abortion

There were 16,410 abortions performed in New Zealand in 2001, compared with 16,103 in 2000, an increase of 1.9 percent. This rise compares with an increase of 3.9 percent in 2000 and an annual average increase of 5.6 percent from 1993 to 1997. The abortion rates rose for women aged 15–34 years between 2000 and 2001. The abortion rate for women aged 15–19 rose by 2.6 percent, while the rate for women aged 20–34 years rose by an average of 4.1 percent.

Ethnic differentials in abortion are difficult to measure precisely, because the ethnic-specific abortion data and other demographic data (for example, on births) are not directly comparable. This is because of differences in the questions asked to collect ethnic information. However, broadly based comparisons do indicate that in 2001 the abortion ratios (number of abortions per 1,000 known pregnancies) for Asian women (364 per 1,000), Māori women (280) and Pacific women (255) were higher than the national average (226) and that for European women (207).

Legislation

The legal grounds for obtaining an abortion are contained within section 187A of the Crimes Act 1961. An abortion is lawful where the pregnancy is 20 weeks' gestation or less, and the person performing the abortion believes that:

- if the pregnancy were allowed to continue it would result in serious danger to the life, or to the physical or mental health, of the woman or girl; or
- there is substantial risk that the child, if born, would be so physically or mentally abnormal as to be seriously handicapped; or
- the pregnancy is the result of sexual intercourse between immediate family members, including grandparents and grandchildren; or
- the pregnancy is the result of sexual intercourse that constitutes an offence against section 131(1) of the Crimes Act 1961 (i.e. sexual intercourse with a girl under your care and protection); or
- the woman or girl is severely subnormal within the meaning of section 138(2) of the Crimes Act 1961.

The following matters, while not in themselves grounds for an abortion, may be taken into account in determining whether continuing with the pregnancy would result in serious danger to the woman's life or to her physical or mental health:

- the age of the woman or girl is near the beginning or the end of the usual childbearing years
- there are reasonable grounds for believing that the pregnancy is the result of sexual violation.

An abortion may be performed lawfully for pregnancies of more than 20 weeks' gestation only if the person performing the abortion believes that the abortion is necessary to save the life of the woman or girl, or to prevent serious permanent injury to her physical or mental health.

The Contraception, Sterilisation and Abortion Act 1977 largely implemented the report of a Royal Commission of Inquiry and was enacted, after very lengthy consideration, on a free vote by all Members of Parliament. The Act deals with the rights of the unborn child in the following way. The long title states, among other things, that the Act is to "provide for the circumstances and procedures under which abortions may be authorised after having full regard to the rights of the unborn child". The substance of the Act then sets out the procedures to be followed and refers to the legal criteria for the performance of an abortion. Certifying consultants are required to determine, in any particular case, whether there are lawful grounds for an abortion in accordance with these procedures and the criteria contained in section 187A of the Crimes Act 1961. These provisions constitute Parliament's determination of an appropriate balance between the interests of the unborn child and other interests, including those of the pregnant woman.

Sexually Transmitted Infections (STIs)

With the exception of AIDS, STIs are not notifiable infectious diseases. Consequently, the surveillance of STIs in New Zealand has traditionally been based on data from specialist sexual health clinics. This system underestimates the true burden of disease because a significant percentage of STIs are diagnosed by other health providers, particularly general practitioners.[40]

The majority of people attending sexual health clinics are aged 15–44 years, and within that, 53.3 percent are aged 15–24. Sexual health clinic surveillance data suggests that STIs are relatively uncommon among those under 15 years. A disproportionately large number of STIs are diagnosed in people in their late teens and early twenties.[41]

Both the number of sexual health clinic visits, overall and within each age group, and the number of cases of most of the more common STIs increased between 1996 and 2001. The number of cases of bacterial infections (chlamydia and gonorrhoea) has increased steadily among 15–24-year-olds. The number of viral infections (genital herpes and warts) has decreased.[42]

In 2001, each ethnic group attended sexual health clinics in approximately the same proportion as their distribution in the general population. However, Europeans and Māori attended slightly more frequently, and Pacific peoples attended slightly less frequently.

The apparently higher rates of infection among males, and possibly also among Māori and Pacific peoples, must be interpreted with caution, as the rates are based on attendance patterns at sexual health clinics. Women tend to have a higher proportion of asymptomatic visits and so appear to have lower rates of infection, and men tend to have a lower proportion of asymptomatic visits and so appear to have higher rates of infection.

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[40] ESR, 2002.
[41] ESR, 2002.
[42] ESR, 2002.

HIV/AIDS

The population groups at higher risk of exposure to and transmission of HIV in New Zealand are:

- men who have sex with men – 80 percent of total AIDS cases were contracted through homosexual contact
- injecting drug users
- people who received blood products before screening was introduced
- people who come from, or are exposed to people from, areas of the world where heterosexual transmission is high, such as refugees from some areas
- the partners of the above groups.

A pregnant woman with HIV may also vertically transmit the infection to her baby. So far the risk of transmission of HIV among the New Zealand population outside these groups has been low.

Until recently, the annual number of women found to be infected has been stable. Through to the end of December 2000, a total of 1,478 people, of whom 189 were women, were found to be infected with HIV. The number of AIDS cases notified each year has decreased, after peaking at 78 in 1991, to 27 in 2000.

Of the people found to be infected with HIV from 1996 to 2000, 46.9 percent were European, 5.8 percent Mäori, 3.1 percent Pacific peoples, 38.1 percent other ethnicities, and for 5.7 percent the ethnicity was unknown.

Strategy on Sexual and Reproductive Health

Government released Phase One of the Sexual and Reproductive Health Strategy in October 2001. The strategy provides the overall direction to achieve positive and improved sexual and reproductive health outcomes in New Zealand. Phase One provides the guiding principles and outlines the strategic directions for action plans that will address key issues, including STIs and unwanted/unintended pregnancies.

Phase Two of the strategy is the development of action plans to reduce STIs, including HIV/AIDS, and unwanted/unintended pregnancies, focusing on improving the health of young people, and Mäori and Pacific peoples. These action plans will be completed by September 2002. The development of the strategy should help to address the CEDAW Committee's concern about the high teenage pregnancy rates of young Mäori women.

Free and subsidised sexual and reproductive health services are available to the following target groups – young people (aged 22 years and under), those on a low income, Mäori and Pacific peoples.

Disability

Concern has been raised within the disability sector that management of the sexual behaviour and reproductive health of women with intellectual disabilities has been over-medicalised and over-managed, compromising the rights of the women concerned. The Ministry of Health is undertaking research into medical intervention in the reproductive health of women with intellectual disabilities. The research involves an analysis of individual cases and will result in a review of policy. Phase One of the Sexual and Reproductive Health Strategy also makes explicit reference to the needs and rights of people with disabilities.

MATERNITY SERVICES

A Maternal and Newborn Information System, combining hospital data with primary maternity data, has been established. The first report from this information system was released in January 2002. The report provides women with statistics, providing greater clarity about what they can expect from maternity services in New Zealand.

The following monitoring of maternity services has been undertaken:

- a cultural audit of all secondary maternity hospitals has assessed the level of cultural effectiveness in the delivery of their services to Mäori women. All hospitals are working to be culturally appropriate, with varying effectiveness. Hospitals have been given individually tailored recommendations for improvement, with non-identifiable benchmark results to assess effectiveness.
- 30 percent of all maternity hospitals (primary and secondary) have been assessed for their progress on achieving Baby Friendly status according to the World Health Organisation's *10 Steps To Breastfeeding*. Some hospitals are close to being accredited as being Baby Friendly. For those hospitals that are some way from achieving this accreditation, the pre-assessments and benchmark results will allow monitoring of progress.

A multi-disciplinary committee, including consumers, is working on national guidelines for caesarian sections.

Primary maternity contracts are currently being standardised, confirming the model of each woman having continuity of care through a Lead Maternity Carer (LMC), thereby ensuring that women are involved in the management of their care (see Nurses and Midwives, pp.118-19).

Women can receive information on maternity services (including how to access services and what women are entitled to) via a Ministry of Health free maternity services telephone line, and through a maternity information kit. Distribution of this kit by health practitioners became mandatory in July 2002. Women who need specialist care can receive it at no cost through the secondary maternity service. Co-payments for specialist services apply only if a woman chooses to see a private specialist. The LMC determines when a woman is ready for discharge and is required to provide midwifery home visits to support the establishment of breastfeeding.

A Strategy on Breastfeeding – Breastfeeding: A Guide to Action

Although New Zealand has relatively high breastfeeding rates compared with other OECD countries, there has been little or no improvement in breastfeeding rates over the past ten years, and for Mäori the rate has remained lower.

In response, the government is currently developing an action plan that aims to improve New Zealand's overall breastfeeding rate, and to bring the Mäori breastfeeding rate in line with that of other ethnic groups. The plan supports the continued monitoring and strengthening of existing services and strategies, coupled with the provision of consistent and up-to-date breastfeeding information, and a nationwide focus on achieving accredited Baby Friendly Hospitals.

The action plan highlights five areas for immediate attention:

- increasing breastfeeding promotion, advocacy and co-ordination at national and local levels
- achieving Baby Friendly Hospitals throughout New Zealand
- establishing nationally consistent breastfeeding reporting and statistics
- ensuring pregnant women are able to access appropriate antenatal education
- ensuring the highest quality and continuity of postpartum care.

The Baby Friendly Hospitals Initiative (BFHI) is having a significant impact on breastfeeding rates in other countries, and the recent audit of a selection of maternity facilities in New Zealand indicates they are progressing well in this area. DHBs, through an indicator in their accountability documents, are currently required to report on their progress in implementing the BFHI. The action plan is due to be released in October 2002.

The Well Child Framework

Ensuring access to appropriate well child and immunisation services and supporting families are a priority of the government. To achieve this, the Ministry of Health has undertaken a project to develop a new framework for delivering "well child care". The Well Child/Tamariki Ora service is a screening, surveillance, education and support service offered to all New Zealand children and their families or whānau in the first five years of life. The service's primary objective is to support families/whānau/caregivers in maximising their child's developmental potential and health status between the ages of 0 and 5 years, establishing a strong foundation for ongoing healthy development. The new framework aims to ensure that all children receive their core entitlement, and that additional care is provided where necessary. Resources will be allocated according to "degrees of deprivation", as these criteria are well established as salient predictors of life outcomes. Thirty-five percent of New Zealand babies grow up in Dep8-10 (most deprived) households.

PUBLIC HEALTH

National Breast Screening Programme

The national breast cancer screening programme, BreastScreen Aotearoa, was implemented in December 1998. It offers free mammography and follow-up to all women aged 50–64 years. The programme aims to screen asymptomatic women in this age group every two years. Women can access services at specific facilities or at mobile units.

A new position, Mäori Health Screening Development Manager, has been created to encourage Mäori women to participate in the national breast and cervical screening programmes, and to develop specific policies for Mäori women enrolled on the programmes. The first appointment was made in September 2001, so it is not yet possible to ascertain what impact this has had on Mäori women.

National Cervical Screening Programme

The National Cervical Screening Programme (NCSP) was implemented in 1990. All women aged 20–69 are encouraged to have regular smears and to enrol on the NCSP Register. Since 1998, the percentage of eligible women who have had a smear recorded on the register during the previous five years has been at, or close to, 85 percent. Eligible women are usually screened every three years.

The Ministerial Inquiry into the Under-reporting of Cervical Smear Abnormalities in the Gisborne Region investigated problems with the NCSP. The inquiry found there had been an unacceptable level of under-reporting of cervical smear abnormalities in the Gisborne region, and reported to the Minister of Health in April 2001 with 47 recommendations to improve the safety of the programme. The changes include laboratory contracting, and amendments to legislation to enable access to individual women's records on the NCSP Register for the purpose of auditing and monitoring the safety of the programme (see pp.117-18).

The screening programme is currently being evaluated. In mid-2002, women will be interviewed as part of an audit of invasive cervical cancer. Around 550 women who developed invasive cervical cancer between 1 January 2000 and 30 September 2001 will be approached to participate in the audit.

The Minister of Health appointed Dr Euphemia McGoogan, a cytopathologist from Scotland, to provide independent expert advice on the progress, quality and thoroughness of the implementation of the Gisborne Inquiry recommendations. Dr McGoogan visited New Zealand in April for her second review and met around 30 people and organisations, including MWA. Dr McGoogan's second report covers the period to April 2002.

Physical Activity

The Ministry of Health is currently developing a draft strategy, *Healthy Action: Healthy Eating*, to address nutrition, physical activity and obesity. This is currently being revised to include information from the public consultation that was undertaken in February and March 2002, and the strategy will be launched in late 2002. There will also be an implementation plan to guide providers on using the strategy.

In January 2001, the Ministerial Taskforce on Sport, Fitness and Leisure produced the report *Getting Set For An Active Nation*, which recommended significant structural changes to the recreation and sport sector. These included the disestablishment of the Hillary Commission and merging its functions with the Sports Foundation and the sport and recreation policy functions of the Office of Tourism and Sport.

In response to these recommendations, a new agency, Sport and Recreation, was established on 1 February 2002. It incorporates the functions of the Sports Foundation and the sport policy arm of the Office of Tourism and Sport. This agency is designated to provide policy advice to the Minister for Sport, Fitness and Leisure.

Gambling

The government recently completed a Review of Gaming, and subsequently (February 2002) introduced a Responsible Gaming Bill to Parliament.

As part of the review, the Department of Internal Affairs completed a research project on Gambling and Problem Gambling in New Zealand (*New Zealand Gaming Survey*); it has also recently published the fourth of its five-yearly surveys of people's participation in and attitudes to gambling. The *New Zealand Gaming Survey* and *People's Participation in and Attitudes to Gaming, 1985–2000* include gender as a critical variable; where feasible, given the relatively limited prevalence of problem gambling, they also consider gender by ethnicity and by age.

Overall, the research suggests that women, particularly Mäori and Pacific women, may be experiencing growing problems as a result of the introduction of casino and non-casino gaming machines to New Zealand during the last 15 years.

This is borne out by data from the independent Problem Gambling Committee. In the year ended December 2001, women accounted for:

- 50 percent of gamblers who were new callers to the problem gambling telephone Helpline, compared with 38.4 percent in 1998
- 41 percent of new clients presenting for problem gambling personal counselling, compared with 32.7 percent in 1998.

Of new women clients presenting for personal counselling in 2001, non-casino gaming machines were the primary mode of gambling for 77.5 percent, compared with 67.6 percent for men. Casino gaming machines were the primary mode of gambling for a further 16.3 percent of women newly presenting for personal counselling, compared with 9.7 percent for men.

Youth Suicide

New Zealand Youth Suicide Prevention Strategy

The New Zealand Youth Suicide Prevention Strategy was introduced in 1998 with the aim of reducing the youth suicide rate. The strategy is made up of two parts:

- *In our Hands* – the strategy for the general population
- *Kia Piki te Ora o te Taitamariki* – which focuses on specific Mäori needs and approaches.

The strategy provides a framework for understanding suicide prevention, and assists government agencies, services, communities, iwi, hapü and whänau to identify actions that can be undertaken to help minimise the risk factors and to reduce suicide in the 15–24 age group. The strategy as a whole draws together a full range of interventions, spread across the two parts of the strategy. *In Our Hands* takes a public health focus, while *Kia Piki te Ora o te Taitamariki* draws strongly on a Mäori community development approach. Both merge within one core intervention approach, supported by research and information, as follows:

- strengthening families, young people, whänau and communities
- providing early intervention
- providing intervention/treatment
- providing post-crisis support.

The government's work in the area of reducing youth suicide is co-ordinated by an implementation plan, which is updated annually by the lead agency, the Ministry of Youth Affairs.

Youth Development Fund

Youth suicide prevention programmes funded by the Youth Development Fund, which is administered by the Department of Internal Affairs, are currently being evaluated. This work focuses on the effectiveness of intervention methods in preventing youth suicide. It is anticipated that this research will be completed by September 2002, and will contribute to policy and changes in law.

Violence Against Women

One of the 13 priority objectives of the NZHS is to reduce violence in interpersonal relationships, families, schools and communities. See Article 16: Marriage and Family Life, pp.151-3.

Smoking Cessation

Aukati Kai Paipa is a smoking cessation programme targeted at Mäori women and their whänau. The programme offers subsidised nicotine patches and gum, alongside intensive one-on-one counselling. Cessation programme providers are Mäori who make themselves highly available to the women who are quitting. Early indications are that the programme has a higher success rate than would be expected in programmes without these high levels of intervention. The programme is backed up by a media campaign, "It's about whänau", which highlights the importance of women's position as role models for their family regarding smoking behaviour. The Ministry of Health also funds smoking cessation programmes for pregnant women, as well as smoking cessation training for midwives.

ACC

Accident compensation is provided to all New Zealanders on a 24-hour, no-fault basis. Accidents are defined as including injury resulting from certain crimes, including sexual abuse. ACC also provides rehabilitation and compensation for defined injuries resulting from medical misadventure.

Women tend to be more highly represented in medical misadventure claims, and make up 54 percent of claims for gradual process injuries such as occupational overuse syndrome conditions.

The Injury Prevention, Rehabilitation, and Compensation Act came into effect on 1 April 2002. The Act promotes injury prevention and restores lump-sum compensation for the seriously injured, replacing the quarterly Independence Allowance. It also allows those on unpaid parental leave to receive weekly compensation if they are unable to return to work as a result of injury. The Act provides for capitalisation of weekly compensation paid to surviving partners of people killed as a result of an accident. These are the key changes that will have an impact on women.

Rehabilitation assistance, including childcare, home help, attendant care and vocational rehabilitation, is provided where a need has been identified and assessed.

COMPLAINTS SYSTEM

It is proposed to introduce two Bills to Parliament to improve safety and quality in the health sector, including improving the complaints system. The first is an omnibus Bill with three distinct sections. The second Bill is focused specifically on improving the

National Cervical Screening Programme. These legislative changes have been given priority 3 (to be passed in 2002 if possible) on the 2002 Legislation Programme.

Omnibus Bill

The Health Professionals Competency Assurance Act 2001 (HPCA) will repeal and replace the 11 Acts that currently regulate health professionals. The HPCA will regulate health practitioners whose practice represents a risk to the public. The new Act will include registration, competence and discipline provisions. It will also facilitate appropriate information-sharing between ACC, the Health and Disability Commissioner, and the registration bodies.

The Health and Disability Commissioner Act 1994 will be amended in response to the 1999 Review of the Operation of the Act (completed by the then Health and Disability Commissioner), the Cull Report into Adverse Medical Events, and the Gisborne Cervical Screening Inquiry. The changes are aimed at streamlining the processing of complaints and the general operation of the Office of the Health and Disability Commissioner.

The Medicines Act 1981 will be amended as a consequence of the HPCA, which repeals the Pharmacy Act. The amended Medicines Act will contain provisions to ensure the public has access to medicines in a safe, controlled environment. Pharmacy owners will be required to meet licensing criteria before gaining a license to operate pharmacies. In addition, where pharmacy owners were previously restricted to owning only one pharmacy, they will be able to own up to five pharmacies.

Health (Screening Programmes) Amendment Bill

The Health (Screening Programmes) Amendment Bill, introduced to Parliament in May 2002, aims to improve the safety and quality of cervical screening services for New Zealand women. It will implement recommendations of the Ministerial Inquiry into the Under-Reporting of Cervical Smear Abnormalities in the Gisborne Region. The inquiry report identified significant barriers in the present law to effective monitoring, audit and evaluation. Once passed, the Bill will replace the current section 74A of the Health Act 1956 with a new Part 4A.

The Bill sets out objectives for the National Cervical Screening Programme (NCSP) and allows the appointment of evaluators to assess more fully the effectiveness and safety of the NCSP. Evaluators will be able to automatically access information about women held on the NCSP Register and also information such as hospital records and laboratory slides. Evaluators will still need a woman's explicit consent to access her health records held by primary health providers, including general practitioners. The new legislation will also allow women to 'opt off' the NCSP completely.

Evaluators, who will be designated by the Director-General of Health, will be required to keep all personal information confidential and secure. The results of these evaluations will help identify aspects of the NCSP (and related treatment services) that may need to be improved.

For the National Cervical Screening Programme, see p.114.

WOMEN IN THE HEALTH WORKFORCE

Health Workforce Advisory Committee

The Minister of Health has appointed the Health Workforce Advisory Committee to provide independent assessment, advice and recommendations to develop an appropriate health workforce capacity. The Committee is aware that the major challenges facing the health workforce include capacity, recruitment and retention, development, and morale. Identified shortages in the health profession include general practitioners, nurses, psychiatrists, radiologists and oncologists.

Nurses and Midwives

There is a very high proportion of women in New Zealand's nursing workforce – 90.2 percent, based on 2001 figures.

The average age of the nursing workforce is increasing, and it would appear that nurses and midwives are retiring later. An increasing proportion of nurses are aged over 60. In a survey conducted by Midland District Health Board, the average tenure for nursing staff was just over seven years.[43] There are also fewer nurses aged under 25, which reflects the loss of new graduate nurses and midwives in combination with a reduced supply from the New Zealand training programmes and an increase in the age of nursing students.[44]

Active Registered Nurses and Midwives in New Zealand by Gender and Age, 2001

Age group	Males		Females		Not reported		Total	
	Number	%	Number	%	Number	%	Number	%
Under 20	1	0.0	9	0.0	1	0.0	11	0.0
20-24	34	0.1	830	2.5	6	0.0	870	2.6
25-29	175	0.5	2433	7.4	114	0.3	2722	8.2
30-34	270	0.8	3358	10.2	279	0.8	3907	11.8
35-39	343	1.0	4241	12.8	236	0.7	4820	14.6
40-44	400	1.2	5441	16.4	236	0.7	6077	18.4
45-49	404	1.2	4659	14.1	167	0.5	5230	15.8
50-54	197	0.6	3875	11.7	104	0.3	4176	12.6
55-59	100	0.3	2626	7.9	58	0.2	2784	8.4
60+	81	0.2	2106	6.4	24	0.1	2211	6.7
Not reported	6	0.0	262	0.8	2	0.0	270	0.8
Total	**2011**	**6.1**	**29,840**	**90.2**	**1227**	**3.7**	**33,078**	**100.0**

Source: Nursing Council of New Zealand, 2002

Primary maternity services are based on giving women many choices in the management of their maternity care. The model is based on a partnership between practitioners and women. The government will ensure that women have a choice of an individual Lead Maternity Carer (LMC), but there is no right to a choice of a particular type of practitioner. Three types of practitioners can be LMCs – obstetricians, GPs and midwives – and they are all equally competent to provide the service.

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[43] Workforce Profile report, February 2002.

[44] Nursing Council of New Zealand workforce statistics 1998/99, pp.21-22.

Primary maternity services require LMCs to give a commitment to women that, given all reasonable circumstances, they will attend the birth. This is essential for a quality service. Many GPs are unable to meet this requirement because of the demands of their non-maternity work, so they are choosing to leave maternity services.

Doctors

More women are becoming doctors. Because women participate in the health workforce as doctors at a lower rate than men,[45] this needs to be borne in mind when comparing the number of medical practitioners per head of population across time periods. Although the number of doctors per head of population has increased, more of these doctors are working part-time and for shorter periods of their career.

Women started entering the medical profession in increasing numbers in the 1970s and were being trained in similar proportions to men by 1991. The growing proportion of women in the medical workforce is the single biggest change in the medical workforce in recent years, rising from 24 percent in 1990 to 32.6 percent in 2000.[46] Since the current trend of equal numbers of women and men completing medical degrees is expected to continue, the overall workforce will be close to gender equality in 30 years.

Disability

A high proportion of the paid and unpaid disability support service (DSS) workforce is made up of women. In general, there are significant issues for the DSS workforce, some of which are being addressed by the Ministry of Health in both the short and long term.

The Impact of the Disability Support Services Framework

The introduction of the DSS Framework in 1997 created new workforce needs, particularly for needs assessors, service co-ordinators, personal carers and relief carers. Ministry of Health service development work that focuses on needs assessment and service co-ordination services, on accredited equipment assessors and home support workers, emphasises the importance of staff competency and training.

Home Support Workers

There are significant workforce issues for home support workers. See Article 11: Employment, p.89, for details of the 1999 MWA report, *Homecare Workers*.

It is estimated that over 30,000 semi-skilled people provide Ministry of Health-funded home help and personal care services (home support) in what is a relatively unregulated environment. The Ministry has already done some work in this area, including upgraded service specifications for home support services, with reference to staff training, oversight and supervision.

In general, significant fiscal pressures affect pay rates for home support workers. The impact of Ministry of Health work in this area has yet to be felt by individual workers in terms of the issues identified in the MWA report on homecare workers.

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[45] Australian Medical Workforce Advisory Committee, 1998.

[46] Medical Council of New Zealand, 2001.

Training for Informal Caregivers

Providing support for caregivers is important, and the Ministry of Health funds several services that support carers. These include:

- carer relief subsidies
- respite care
- day programmes
- training for informal caregivers.

More recently, this work has included the establishment of a Carers' Interest Group with a key focus on valuing carers.

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ARTICLE 13

ECONOMIC AND SOCIAL LIFE

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits

(b) The right to bank loans, mortgages and other forms of financial credit

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

FAMILY BENEFITS

Family Support

Rates of Family Support for dependent children aged 16–18 years were increased in January 1998.

The Ministry of Social Development, in conjunction with the Grandparents Raising Grandchildren Trust and various government departments, has published a brochure *Help for Kinship Carers*, to help grandparents access government assistance. Further financial assistance for some kinship carers is being considered.

The circumstances of older women who are carers is addressed in the Working Towards Employment (WTE) Bill by a more flexible and individualised approach to supporting sole parents and widows. In addition, the WTE Bill recognises "family responsibilities" as part of its more holistic approach to social development. See Article 11: Employment, for Childcare and Early Childhood Education, and Work-Life Balance, pp.91-2.

Widows Benefit and Domestic Purposes Benefit

From April 1997, reciprocal obligations, including work-testing based on age of youngest child, were introduced for recipients of the Domestic Purposes Benefit (DPB) (for sole parents) and Widows Benefit (WB). Those with no children or whose youngest child was aged 14 years or older were subject to a part-time work test, and those with a youngest child aged 6–13 years were subject to an Annual Planning Interview. In February 1999, this regime was expanded to include work-testing for spouses of Unemployment Benefit (UB) recipients, as well as a shift in the obligations. A full-time work test applied to all those without children or with a youngest child aged 14 years or older, and a part-time work test applied to those with a youngest child aged 6–13 years. Those with a youngest child aged 0–5 years were required to attend an annual mandatory interview. A dual abatement regime allowed beneficiaries with a part-time work test to keep more of their earnings, while those with a full-time work test had a heavier abatement rate to encourage them to move into full-time rather than part-time work. The work-testing regime included a sanctions regime for reduction of benefit for failure to comply with work-testing without reasonable grounds. The goal of this strengthening of obligations and penalties was to increase movement into jobs, education and training, and to increase self-reliance.

Evaluation showed that, despite increased participation in paid employment, the work-testing environment did not take sufficient account of the complexity of sole parents' lives, their different starting positions in relation to paid employment, and the balancing required between work and family responsibilities. Nor did it take account of the circumstances of older women who were former carers. The government considered that a more flexible and individualised approach was needed to support sole parents to enter and sustain paid employment.

In August 2002, the government introduced the first statutory phase of a new approach to social security – social security through social development. This phase involves significant changes for sole parents and older women receiving the DPB and widows receiving the WB. Specifically, the changes will remove work-test obligations and introduce:

- an enhanced case management model that will replace the existing generic case management and the specialised COMPASS programme
- a more holistic approach than the current focus on income and paid employment
- flexibility and individually tailored support
- a focus on encouraging and supporting the beneficiary to plan for their future
- case managers working alongside the beneficiary to awhi (foster) them through their time on a benefit
- a planning process in which almost all recipients of DPB and WB will be required to develop and sign a Working Towards Employment (WTE) Plan with the assistance of their case manager
- requirements and associated sanctions attached to the planning process
- a single abatement regime that reduces the benefit abatement rate for those with older children, and will allow beneficiaries to earn more while they are on the benefit.

This new process is designed to offer multiple levels of support for sole parents, women alone and older women, and to encourage and support women of all ages to plan for their future. The recipient will work alongside their case manager to identify their immediate and long-term needs in relation to a broad range of issues. It is anticipated that this more flexible and individualised approach will help take into account the circumstances of older women and will allow women to access services and programmes in their region.

Women with Disabilities

As part of the development of policy issues relating to the WTE Bill, processes are being developed for further consultation regarding women with disability issues, and with other agencies who are involved with disability support services, including mental health services. In addition, effective case management as outlined in the Bill will provide more support and access to appropriate activities and organisations in the community for women with disabilities. See Article 11: Employment, pp.91-2, for Childcare and OSCAR Subsidies.

ECONOMIC DEVELOPMENT

Government assistance for economic development is provided through Industry New Zealand programmes. The funding provided through Industry New Zealand is non-operational and is aimed at assisting businesses to attain professional advice and skills to help them make better decisions faster. Industry New Zealand was established in 2000, and an annual evaluation and monitoring process is currently being developed.

Non-gender-specific programmes aimed at supporting business and industry sectors include the following:

- the Business Growth Service and the Business Growth Fund are provided to businesses with high growth potential to improve their experience and capability to manage rapid growth, access critical resources, co-ordinate business support from a range of government departments, and build cohesive partnerships.
- the Major Investment Service assists with the implementation of major investment in New Zealand, and the Major Investment Fund contributes to funding for feasibility studies and to offsetting significant implementation costs.
- sector strategies are being developed to identify and remove the barriers to growth.

Non-gender-specific programmes aimed at assisting small and medium enterprises include the following:

- the BIZ programme offers free business management and capability-building training and seminars for small and medium-sized enterprises, through a network of providers throughout the country. A free information and referral service to sources of business assistance is also provided. Women are a target group for this programme, and an evaluation has shown that there are no significant barriers in access to the programme between men and women and between Māori and non-Māori.
- the Enterprise Award Scheme offers financial and practical support to innovative entrepreneurs and small business owners to help them test and develop concepts with commercial potential.
- the Investment Ready Scheme helps small business and entrepreneurs prepare to raise finances in the early stages of development. This includes the Small Business Investment Readiness seminar, and workshop-style training about obtaining capital, and Small Business Deal Broking for ideas broking and deal-making services to raise capital of up to $5 million.

Māori Women's Economic Development

Te Ara Kaipakihi

This initiative, launched in February 2001, aims to improve business development opportunities for self-employed Māori women. Te Ara Kaipakihi uses a co-ordinated government approach involving the Ministry of Women's Affairs (MWA), the Inland Revenue Department, the Department of Labour, Te Puni Kōkiri, the Ministry of Economic Development, Industry New Zealand, and the Ministry of Social Development. The initiative has the following components:

- training to enhance the effectiveness of government staff when working with Māori women
- a road map to assist field staff in their work with self-employed Māori women

- three-monthly inter-agency regional meetings.

Te Ara Kaipakihi also provides Mäori women with an information kit on:
- starting your own business
- improving your business
- growing your business.

Te Tai o Marokura (TTOM)
MWA has been working with TTOM, a Mäori social service organisation in Kaikoura. TTOM is managed and governed by Mäori women who are considered leaders. Its primary focus over the next five years is to implement an economic development initiative to align social services and economic development within a kaupapa Mäori model of development.

MWA supported TTOM throughout 2000/01 to achieve its objectives. This involved:
- providing an interface for Mäori women entrepreneurs to government policies and central government mechanics
- monitoring TTOM on a quarterly basis as a means of TTOM receiving feedback on its progress
- facilitating access to a specialist and mentor in Mäori women's business under the Mäori Business Facilitation Service
- ongoing participation in an inter-agency response to Mäori women's economic development.

See Article 11: Employment, p.90, for details of the Mäori Women's Development Fund.

RECREATION AND SPORT

1997/98 and 1998/99 Sport and Physical Activity Surveys

The Hillary Commission's latest surveys show that more than 90 percent of New Zealanders over the age of five take part in at least one sport or recreational activity. However, participation rates for people aged 16–17 are lower (80 percent) than those for other age groups, and girls of this age have the lowest level of participation (74 percent).

Girls and women are less likely than boys and men to play organised sport. Girls and women are also less physically active than boys and men when judged against the benchmarks set by the medical profession for a healthy lifestyle. Thirty-six percent of girls and 34 percent of women are insufficiently active each week to benefit their health, compared with 27 percent of boys and 31 percent of men.

For both boys and girls, swimming is the most popular activity, but gender differences are apparent for other sports and activities. Boys are more likely to play rugby, soccer and cricket, while girls prefer exercising, playing outdoor games and netball.

For women, participation in active recreation (such as gardening, walking, swimming, exercising at home) and some sports, such as netball, is higher than for men.

Twenty percent of men and 14 percent of women are sports volunteers – coaches, administrators and officials. However, women are more likely to support young people's sport, with 15 percent acting as parent helpers, compared with only 10 percent of men.

Mäori Women

The Hillary Commission continued to offer sport and recreational programmes for Mäori communities in a Mäori environment through the He Oranga Poutama (HOP) programme. Fourteen kaiwhakahaere (Mäori sport co-ordinators) organise HOP in the regions. Events and activities focus on the whänau, hapü and iwi levels, but there are several programmes aimed at Mäori women. They include:

- the Rotorua Marae Line Dancing Group, which demonstrates the benefits of daily exercise. The group started in 1995 and now has nearly 200 members. The group has been instrumental in encouraging other Mäori women throughout the country to be physically active. The group has won many prestigious awards and has been acknowledged by many New Zealand dignitaries. The women range in age from 50 to 70 years, with three members in the 80+ age bracket.
- the Wähine Mau Räkau (art of Mäori weaponry) programme, run weekly by Sport Auckland. Once a year a national Wähine Mau Räkau wänanga (workshop) is also organised.

Winning Women Strategy – Wähine Toa

The Hillary Commission's research shows that girls and women are less involved in sport and recreation than their male counterparts, so the Commission's policy is to get more girls and women playing and leading sport at all levels.

New Zealand women's teams lead by example on the international stage, winning world championships in rugby, cricket and mountain running. Women's sport is also achieving more airtime on New Zealand television and more media coverage generally.

To give women and girls equal access to any chosen role in sport, the Commission's Winning Women Strategy, Winning Women's Charter and Junior Sports Policy all encourage girls and women to participate and be involved in sport. Programmes and resources include:

- Women in Sport Projects – helping national sports organisations develop strategies to get more women involved in sport
- Gender Equity – a resource for sports organisations to assess whether they offer fair and equal opportunities to women and girls
- Leadership Courses and Seminars – nearly 1,000 women graduate from these courses each year
- Role Model Programmes – around 120 women athletes are trained in public speaking and media relations, and are available to speak in schools
- Education Programmes – encourage more girls into sport in primary and secondary schools
- Women on the Run – a resource showing career opportunities in sport for young women at secondary school.

By 2001, ten national sports organisations had achieved the Hillary Commission's SportsMark quality standard for their involvement in the Winning Women initiative, and 37 organisations were working towards the standard.

In September 1999, the second Winning Women Workshop was held in Christchurch to encourage more women into sport and to recognise those already in leading roles. International speakers addressed global issues still confronting women in sport.

The Commission also contributed to world strategies through the International Women in Sport Working Group, and in March 2000 its contribution to women's sport was recognised by an International Olympic Committee (IOC) Women in Sport award.

In 1998/99, the Commission developed policies and procedures for harassment-free sport. Leaflets have been published to promote the policy and procedures among athletes, coaches, administrators and sports organisations. Four nationwide training sessions have been run to help regional and national sports organisations implement the policy and to train staff as contact and complaints officers.

Schools Programme

The new Health and Physical Education in the New Zealand Curriculum sets a framework for addressing barriers to students' participation in physical activity. The Hillary Commission provided substantial support for increasing young women's participation in sport and recreation. Research demonstrates that, as a result of the Commission's KiwiSport (a modified sport programme) and Sportfit (a secondary school sports co-ordinator project), the level of sporting participation by girls and boys under the age of 12 is almost the same.

Participation in school sport by young women at secondary school has also continued to increase. From 1991 to 2000, the participation rate increased by 19 percentage points. High-achieving female athletes are also helped to balance sport with study and other aspects of their lives by workshops run at their schools by Sports Ambassadors.

Participation in Sport and Recreation by New Zealanders

	Boys	Girls	All Young People (5-17 years)	Men	Women	All Adults (18+ years)
	2-week rate			Annual rate		
% taking part in at least 1 sport or activity	93 %	92 %	93 %	98 %	98 %	98 %
Number taking part	339,000	319,000	661,000	1.24m	1.33m	2.58m
% taking part in organised sport	47%	40%	43%	33%	17%	25%
Note: The number of young people is shown in thousands rounded to the nearest 1,000. The number of adults is shown in millions, rounded to the nearest 10,000.						

Source: Hillary Commission's 1997/98 and 1998/99 Sport and Physical Activity Surveys of 3,135 young people and 9,517 adults.

Top Five Sports and Activities for Young People

Boys		Girls	
1 Swimming	28 %	1 Swimming	32 %
2 Rugby union	24 %	2 Exercising/gym	26 %
3 Soccer	22 %	3 Outdoor games/activities	20 %
4 Cricket	21 %	4 Netball	18 %
5= Cycling	20 %	5 Cycling	17 %
5= Exercising/gym	20 %		
The figures show participation in the two weeks before interview.			

Source: Hillary Commission, Sport and Physical Activity Surveys, 1997/98 and 1998/99

Top Ten Sports and Activities for Men and Women

Men		Women	
1 Walking	60 %	1 Walking	81 %
2 Gardening	52 %	2 Gardening	68 %
3 Fishing	37 %	3 Swimming	38 %
4 Swimming	34 %	4 Exercising at home	35 %
5 Golf	28 %	5 Exercising/going to the gym	19 %
6 Exercising at home	26 %	6 Aerobics	17 %
7 Exercising/going to the gym	19 %	7 Fishing	14 %
8 Running/jogging	18 %	8 Cycling	13 %
9 Cycling	17 %	9 Netball	10 %
10 Tennis	15 %	10 Running/jogging	10 %
The figures show participation in the 12 months before interview.			

Source: Hillary Commission, Sport and Physical Activity Surveys, 1997/98 and 1998/99

CULTURE

Between 1991 and 1996, the percentage of women in paid cultural occupations increased from 53 to 57 percent. Almost a third of the increase was due to the increase by 3,162 in the number of early childhood teachers, a profession where women predominate. When disaggregated by occupation, women's employment remains broadly similar to that reported in New Zealand's last periodic report (1998).

New data on women's participation in cultural activities shows higher levels of participation than for men. This applies to Päkehä, Mäori and Pacific women. Any trends will be noted in subsequent reports if the surveys are repeated.

The Statistics New Zealand publication, *Employment in the Cultural Sector* (1998), includes data on women's role in the sector. This material is based on data from the 1996 Census.

Women continue to predominate[47] in cultural occupations such as librarians (88 percent); librarian assistants (83 percent); wardrobe assistants (89 percent); dancing teachers/choreographers (89 percent); clothing designers (88 percent); early childhood teachers (97 percent); and singing and music teachers (77 percent). On the other hand, women continue to be under-represented[48] in the following occupations: sound recording equipment controllers (16 percent); musical instrument makers, repairers or tuners (8 percent); architects (13 percent); sign writers (16 percent); motion picture or television camera operators (19 percent); and cinema projectionists (8 percent). The Census shows that, in 1996, women continued to be more likely than men to be working part time in cultural occupations, more likely to be earning incomes of less than $20,000, and less likely to be earning incomes of over $40,000.

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[47] For the purposes of this report – over 70 percent.

A Creative New Zealand survey (1999) showed that, overall, women were more likely than men to be involved in most of the arts activities surveyed. Men had higher levels of participation than women in rock/pop music, jazz and photography.

The top ten arts activities for women were (in order of popularity): reading non-fiction, reading fiction, rock/pop music, knitting, classical/chamber music, embroidery, storytelling, singing, reading poetry, and musical theatre.

Eighty-four percent of adults who had participated in arts activities in the past four weeks did so as a hobby (i.e. a preferred leisure-time activity). This was much more likely to be true among women (88 percent of participants) than men (79 percent).

Thirty percent of participants were involved either as teachers or as students. Women were more likely to be involved with teaching. Students participating in arts activities were more likely to be women.

Women were also more likely than men to be members of an audience, creators and volunteers.

Participation by Mäori Women

Mäori women (50 percent) were more likely than Mäori men (38 percent) to take part in Mäori arts. They also participated in a greater number of different types of arts activity than men (4.2 activities compared with 3.2) each year.

Participation by Pacific Women

Over one year, 54 percent of Pacific women were active in the Pacific arts, compared with 38 percent of Pacific men. Over a four-week period, 47 percent of women took part in an average of two different types of Pacific arts activity. In comparison, 32 percent of men took part in an average of 1.8 different activities.

Participation by Women from other Ethnic Groups

The number of respondents identifying themselves as members of other ethnic groups was too small to be disaggregated and to report on meaningfully. However, the survey did conclude that there was little difference in participation levels between ethnic groups, although Mäori and Pacific peoples participated in more activities than all other ethnic groups.

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[48] For the purposes of this report – under 20 percent.

Reasons for Women Not Participating in Arts Activities

The reasons for non-participation varied between men and women. Women were more likely than men to give the following reasons:

- disability
- lack of money
- lack of knowledge or skills to take part.

Men were more likely than women to give the following reasons:

- not interested
- would rather play sport.

Women predominated in most arts audiences, for example fiction, non-fiction, poetry, classical/chamber music, musical theatre, singing, theatre, applied arts, opera, contemporary dance, ballet and "other" dance. Women were under-represented in the audiences for rock/pop music, country/folk music and jazz.

Cultural Education and Communication

The cultural education data contained in the last periodic report was sourced from Statistics New Zealand's *New Zealand Cultural Statistics 1995/Nga Tatauranga Whakapuaki Tuakiri o Aotearoa.* This publication has not been updated since then.

WOMEN INMATES

Introduction

Women inmates in New Zealand currently make up approximately 4.2 percent of the total prison population. While this percentage is small, the female prison population has increased by over 120 percent in the last 15 years. At 9 August 2002, women accounted for 204 of the 4,883 imprisoned offenders. Significant increases in the numbers of female prison inmates have also occurred in overseas jurisdictions. Numbers have increased significantly in New Zealand over the last 15 years because of both increases in the number of women being imprisoned, and increases in the lengths of the sentences imposed.

As women are a relatively small proportion of the inmate population, accommodation and programme planning is more of a challenge than it is for men. For example, their small numbers and the location of their home region in relation to the location of the three women's prison facilities have meant that approximately 63 percent of women serve their sentences away from their families. In addition, a significant amount of research and programme design over the years has been applied to men and women alike. Women are housed in three secure facilities separate from those for male inmates, who are housed in 16 facilities, and there is no gender mixing.

Ethnicity

On the day of the Prison Census, 20 November 1999, there were 233 female inmates in custody. These consisted of 206 sentenced inmates, 24 remand inmates and three offenders held in home detention. Ethnicity information was available for 200 of the 206 sentenced inmates: 59 percent identified themselves as Mäori, 31 percent as European, and 10 percent as Pacific peoples.

Characteristics of Women Inmates

The New Zealand female prison population can be briefly described as predominantly young (under 30 years of age), not well educated, and in prison for violent offending, property and drug offences. Women also have a somewhat lower rate of re-imprisonment than men.[49]

Current Management Arrangements

Penal policy requires that women are managed in a manner that respects them as adults, takes into account their particular needs as women, and acknowledges their family circumstances and personal histories. The gender and age mix of prison staff aims to reflect the need to provide women prisoners with positive role models of both genders. However, particular activities, such as searches, may be undertaken only by women, and this affects the overall gender balance of staff.

Women Inmates with Dependent Children

Penal policy requires that women inmates who are pregnant or have babies up to six months of age are managed in a sensitive manner that takes into account their particular risks and needs, while optimizing the well-being of the baby.

The general practice in regard to an inmate who is due to give birth while serving a sentence of imprisonment and wishes to keep the child is that mother and baby should not be separated unless there is no practicable alternative. There is specific provision under the Criminal Justice Act 1985 for the Minister of Corrections to grant the early release of an inmate who is serving a determinate sentence of imprisonment and who has given birth. The majority of women who have given birth during their sentence have been released under this provision.

Women with babies under six months old are permitted to have daily visits for the purposes of breastfeeding and bonding. Where the mother is breastfeeding, facilities are provided to breastfeed and/or express milk in private rooms.

In 2001, the Department of Corrections also agreed to the following range of initiatives aimed at assisting inmate mothers to address their parental responsibilities and enhance their relationships with their children:

- full-time residence for those mothers with babies under six months old who are suitable for placement in a self-care (residential-style) unit
- the provision of Integrated Offender Management approved parenting programmes
- the provision of parent-child enhanced visiting, including visits in the presence of trained childcare facilitators, and extended day and overnight visits
- the provision of appropriately qualified staff to carry out family liaison functions
- the pursuit of an inter-sectoral agreement to provide financial assistance so that children can visit their imprisoned parents.

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[49] Re-imprisonment rates of women released from prison show that 31% of women are re-imprisoned within 12 months, 32% within 24 months and 33% within 36 months, compared with 37%, 39% and 40% for males.

Auckland Region Women's Corrections Facility

Owing to the shortage of women's prison accommodation in the north of the North Island, planning is proceeding for the opening in 2004/05 of a new comprehensive women's prison in South Auckland. Although this is still some way off, it will enable many more women to be held close to their families.

PUBLICATIONS REFERRED TO

Creative New Zealand, 2000, *Know Your Audience/Me Mohio ki to Whakaminenga: A Survey of Performing Arts Audiences, Gallery Visitors and Readers/He Rangahautanga mo Ngä Whakaminenga mo ngä Mahi Toi, ngä Manuhiri e Haere Mai Ana ki te Ahurewa Mätaki me Ngä Kaipanui Pukapuka*, Wellington.

Creative New Zealand, 1999, *Arts Every Day/Mahi Toi la Rä: A Survey of Arts Participation by New Zealand Adults/Titirohanga ki te Whakauru o ngä Pakeke o Aotearoa ki ngä Mahi Toi, Wellington.*[50]

Department of Corrections, 1999, *The National Study of Psychiatric Morbidity in New Zealand Prisons*, Wellington.

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Statistics New Zealand/Ministry of Cultural Affairs, 1998, *Employment in the Cultural Sector*, Wellington.

Statistics New Zealand/Ministry of Cultural Affairs, 1995, *New Zealand Cultural Statistics 1995/Nga Tatauranga Whakapuaki Tuakiri o Aotearoa*, Wellington.

Statistics New Zealand/Ministry of Cultural Affairs, 1998, *Employment in the Cultural Sector*, Wellington.

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[50] A total of 5,846 adults aged 18 and above were interviewed. Of those surveyed, 806 identified as Mäori and 175 as Pacific peoples. The survey measured arts participation over 12-month and four-week periods. The survey was conducted during 1997/98.

ARTICLE 14

RURAL WOMEN

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels

(b) To have access to adequate health care facilities, including information, counselling and services in family planning

(c) To benefit directly from social security programmes

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment

(f) To participate in all community activities

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

INTRODUCTION

For the purposes of statistical reporting in New Zealand, the rural population is those people living outside urban areas, i.e. outside concentrated settlements of 1,000 or more people. Rural centres have a population of 300–999, although there are exceptions at either end of that scale. "Other rural" residents are those in rural areas but not living in a rural centre. The rural population includes those who live on offshore islands, but excludes those in inland water, inlet and oceanic areas.

One in seven, or 532,740, of the "usually resident population" lived in rural areas at the time of the 2001 Census. Of those, one in seven (79,065) lived in rural centres, and the rest (453,675) lived in "other rural areas". In rural centres overall, there were almost equal numbers of males and females. In the rural population living outside these centres, there was a surplus of males overall (108 for every 100 females).

The rural population grew by 1 percent between 1996 and 2001. This was in contrast to growth of 7 percent between 1991 and 1996. There was a drop in the population living in rural centres between the two Censuses and a small increase in the number living in "other rural areas".

Recognising the particular interests and issues facing rural communities, in 1999 the government developed a portfolio for a Minister of Rural Affairs, supported by a policy team within the Ministry of Agriculture and Forestry (MAF). The responsibility of the Minister is to ensure that all legislation and government practices take the needs and interests of rural communities into account. It is understood that "rural" is no longer seen as just primary production. A wide range of people live in rural communities. New ventures and enterprises in many rural areas around the country mean that the economic activities that support the local communities are changing.

Rural communities, including rural centres and minor urban areas, still rely heavily on primary industries such as agriculture, horticulture and forestry for employment and economic well-being. In the last year, farmers have experienced a significant increase in income, resulting in more employment and optimism in rural areas. Diversification into new activities, such as tourism and the development of small businesses in rural areas, is often led by women seeking to supplement family incomes.

PARTICULAR PROBLEMS FACED BY RURAL WOMEN

The *Degrees of Deprivation* atlas, which identifies the areas of New Zealand that suffer significant socio-economic deprivation, shows that communities in the Far North, Gisborne and Buller regions experience most deprivation. These are all isolated rural areas in which access to services is difficult. Other rural communities, particularly around parts of the Waikato, Manawatu and Southland, have a very low deprivation index score and are considered to be relatively better-off in socio-economic terms.

In New Zealand, the particular problems faced by rural women can be categorised under three headings:

Access to Services

The small and dispersed population of rural areas means that it is often difficult for people to access services such as health and education. It can be costly for the government or private industry to provide services in rural areas.

The MAF Rural Affairs unit has taken the approach that rural citizens should have reasonable access to a range of commonly expected social services within an acceptable traveling time. The extra cost of delivering many services in rural areas means that population-based funding from the government may not provide reasonable services. Population-based funding weighted with a "rurality factor" could be considered in future to account for these extra costs.

Women in rural areas may face restricted access to services such as maternity care, support services for dependent family members, and training opportunities. A report on the New Zealand Positive Ageing Strategy noted that in rural areas, where access to community-based resources may be limited, family caregivers, who are predominantly women, face particular challenges in caring for elderly relatives.

Isolation

Isolation causes difficulties in the provision of cost-effective network services, such as telecommunications, electricity, roading and other utilities. It can also mean that rural residents are not able to participate easily in government processes and consultation.

Information and communication technology (ICT) is expected to help overcome some of the problems associated with isolation. The government is developing strategies on e-government and e-commerce. Research commissioned by MAF identified the telecommunications network infrastructure as a significant constraint on the use of ICT in rural areas. MAF has also commissioned research on how rural communities might be affected by the "digital divide". Both women and rural communities have been identified as groups who may be disadvantaged in terms of opportunities to benefit from ICT advances.

Employment

Agriculture and horticulture are important industries in rural areas. Owing to the nature of farming in New Zealand, a greater proportion of people in rural areas than in urban areas own their own business or work under seasonal or other contractual arrangements. This means that a smaller percentage are wage or salary earners. This has particular implications for eligibility for welfare payments and for paid parental leave.

Economic Survival of Families and Work in Non-monetised Sectors

Information from the 2001 Census shows that the labour force participation rate for rural women is 67.2 percent overall, 56.8 percent in rural centres, and 69.1 percent in "other rural areas". This compares with a labour force participation rate of 59 percent for women living in urban areas. Around one quarter of rural women who are employed have occupations in the "agriculture and fisheries" occupation group.

Of women in rural areas who are employed, 38.1 percent are employed part-time, compared with 35.4 percent of women living in urban areas. Of men in rural areas who are employed, 10.9 percent are employed part-time, compared with 12.3 percent of men in urban areas.

The top five industry groups for employed rural women are agriculture, forestry and fishing (29.1 percent); health and community services (11.9 percent); education (11.4 percent); retail trade (10.5 percent); and manufacturing (6.8 percent).

The ownership structure of farms has changed over the years: women are partners or shareholders in more partnerships and companies. As a result of these changes, a MAF study has found that more women now see themselves as farmers, rather than farmers' wives. This has changed women's perceptions of their role on the farm.

Farm succession is another area where there has been a change of emphasis. Traditionally, farmers have passed their farms on to their sons. Farmers continue to pass farms on to their children, but a MAF study has found that there is now more emphasis on treating children fairly and on identifying those children who want to continue farming before making decisions about succession. This is positive for farmers' daughters.

In rural areas there is high reliance on voluntary workers to provide services. Voluntary work ranges from providing services such as St John Ambulance, the Volunteer Fire Service, the Citizens' Advice Bureau and food banks, through to being on the school board of trustees and running sports or social clubs. In recent community consultation meetings held by MAF, there has been discussion about the increasing pressure being placed on rural volunteers: more is being required of fewer volunteers. One reason for this is that, as more rural women enter or remain in paid employment, they have less time for voluntary work. The government is piloting a programme to establish, in some communities, Community Interns who will carry out administrative tasks for several community or voluntary groups in each area. The aim of this scheme is to alleviate some of the burden of providing voluntary services.

RURAL DEVELOPMENT

Sustainable Farming Fund

The purpose of the Sustainable Farming Fund (SFF) is to support community-driven programmes aimed at improving the financial and environmental performance of the land-based sectors. The SFF aims to help rural sectors solve problems and overcome barriers to economic, social and environmental viability by bringing together "communities of interest". These are groups of people or sectors drawn together by a shared problem and/or opportunity in the sustainable use of land-based resources.

Projects that have been funded include an initiative by Mid-Canterbury Women in Arable Farming. This project will establish training, and empower women involved in arable farming partnerships to manage their operations.

Regional Development

The Ministry of Economic Development has been working with local government to design and implement regional development strategies. In May 2000, the Tairāwhiti Development Taskforce was launched to provide leadership and direction for the Tairāwhiti community. Its work focuses on economic development, but recognises that social and environmental objectives will contribute significantly to regional development. Similar projects are being run in the Eastern Bay of Plenty and the Far North. Community groups and industry are closely involved in the development and implementation of these strategies, and effort is being made to get input from all groups in the community, including women.

Business Development

Industry New Zealand, through its BIZ programmes, works to promote business development opportunities around the country (see Article 13: Economic and Social Life, p.124). A particular project that has been helpful to rural women has been the Agribuild Workshops for Rural Women, sponsored by the BIZ programme and promoted by Rural Women New Zealand and Agribuild. Twenty-three workshops have been run for approximately 460 rural women to encourage and enhance the business skills and management capabilities of small and medium businesses. The workshops gave rural women the opportunity to network with others and were applied to existing businesses or to developing new business ideas.

The Community Employment Group works with communities and volunteers to identify opportunities for community development and to develop community-based employment projects. These programmes are accessible to rural communities, and the beneficiaries of these projects are very often women.

Participation in Development Planning

See Article 7: Political and Public Life, pp.53-4, for Women in Local Government.

Access to Health Services

In 2001, Rural Women New Zealand (formerly Women's Division Federated Farmers of New Zealand Inc) conducted a survey of 4,075 adults and 949 children on rural communities' access to health care services. The survey produced the following results:

- 56 percent of households considered that distance was a difficulty in accessing accident and emergency services, and that there were significant issues with the management and co-ordination of emergency services
- the cost of services and the costs related to distance and travel were considered the biggest barrier to accessing general practice (GP) and pharmacy services
- 51 percent of respondents reported problems in accessing maternity services
- 71 percent of respondents reported cost as the biggest barrier to accessing adult dental services
- more households reported difficulty in using specialist services than any other medical service, owing to waiting lists, distance and cost
- 79 percent of households did not have good access to public transport, meaning that this cannot be considered a reliable back-up for those in need of transport to health services
- problems with telecommunications meant that 32 percent of respondents could be without means of communication at any given time
- nearly half of the respondents who commented on early discharge from health services mentioned the lack of follow-up support services.

These results indicate that rural communities face much greater difficulty in accessing health services than previously estimated, and confirm that access problems are compounded by a variety of factors. The results highlight the need for integrated planning to improve access to basic health services for rural communities.

SOCIAL SECURITY PROGRAMMES

Access to social security programmes can be difficult for some rural women owing to the nature of employment in rural areas. Because a high proportion of the population in rural communities is self-employed, some benefits are more complex to claim, such as Accident Compensation and the Unemployment Benefit. This can be particularly difficult in years when climatic conditions or commodity prices mean that a farm is not profitable and the farm family cannot draw any income from their enterprise. However, subject to the couple's income, the spouse or partner of a farmer can receive the Unemployment Benefit, if the spouse or partner is unemployed. There is also a special programme to provide financial support for farmers who are experiencing financial difficulties and cannot meet essential living expenses. Generally, this applies only after an area of industry has been affected by a natural disaster such as a flood, drought or disease.

Paid parental leave is particularly relevant to rural women. Because of the number of rural women who are self-employed or who work on contract jobs, access to the scheme could be difficult.

Heartland Services

The Heartland Service programme is an example of partnership between central government, local government and community groups, and is aimed at improving access to government services for people in provincial and rural New Zealand. Government agencies that provide customer service functions, such as the Ministry of Social Development, the Accident Compensation Corporation and the Inland Revenue Department, have been involved in the development of the Heartland initiative from an early stage. Heartland Service Centres provide a base for government agencies that visit rural towns on a regular basis, and may also be used as a base for voluntary agencies, which can share the facilities and resources. Heartland Outreach Services take the form of co-ordinated visits from government agencies to remote rural centres, enabling rural people to transact all their business with government agencies on one day.

TRAINING AND EDUCATION

The 2001 Census showed that women in rural areas were more likely than rural men to have an educational qualification. Approximately 21 percent of rural women had no qualification, compared to 31 percent of rural men. Of those who had a qualification, 12.3 percent of rural women had a university degree, compared with 11.1 percent of rural men. However, men were more likely to have a vocational qualification than women (35 percent of men and 32.2 percent of women).

Thirty percent of people living in rural centres had no qualification (26.2 percent of women and 33.9 percent of men). This compares with 26 percent of people living in "other rural areas" with no qualification (20.4 percent of women and 30.6 percent of men).

In the compulsory education sector, both girls and boys receive equal opportunities to participate in school, and rural students have access to school buses and boarding school allowances if necessary. Recent surveys have shown that more young women than men leave rural areas after finishing school to pursue tertiary education or training opportunities.

Training and education are made more accessible for women in rural areas by the provision of extramural study programmes from a number of institutions.

Different communities are trialling ICT initiatives that are intended to improve access to education in rural areas. Some of these initiatives are provided to schools to give children and teenagers the opportunity to broaden the range of subjects available to them. Others are about the development of a community hub where computer training and Internet access are available to the whole community. The Rural Education Reference Group has developed a paper on ICT needs and particular issues for rural schools.

ACCESS TO ECONOMIC OPPORTUNITIES

In rural areas, women are often the group that leads the way, identifying new economic opportunities and moving to meet them. E-commerce is a new opportunity being pursued. Household Internet access rates differ between urban and rural areas, and there is considerable variation within rural areas. In rural centres, only 26 percent of households have Internet access, compared with 37 percent of households in "other rural areas". Overall, 35 percent of households in rural areas have Internet access, compared with 38 percent of households in urban areas.

PARTICIPATION IN COMMUNITY ACTIVITIES

Rural women are involved in their communities at all levels, through social activities, sports teams, voluntary groups, schools, and participation on DHBs, district councils and regional councils. However, one aspect of involvement in community activities that is more difficult for rural women than their urban counterparts is participating in government consultation on policy development.

It is often difficult for people in rural areas to find out what issues the government is working on and how they can be involved in the process of consultation. Visits and presentations by government agencies are often made only in large urban areas. MAF and the Department of Internal Affairs jointly publish the *Rural Bulletin*, which outlines the latest developments in government policy and legislation, and informs people how they can participate in government processes. Networks such as Rural Women New Zealand and Federated Farmers also distribute news of interest to members and seek input on their submissions to government.

The e-government work detailed above (see p.135) should help "reduce the distance" between the government and rural communities.

ACCESS TO FINANCE, MARKETING, TECHNOLOGY AND LAND REFORM

As farmers in their own right or as partners in farming operations, women are making a greater contribution to commercial decisions. There is an improved attitude towards women from bank staff, farm consultants, stock agents and other groups who deal with farm operations, particularly as women increasingly hold more of these positions.

Landcare Groups

The New Zealand Landcare Trust was established in 1996 to help communities set up landcare groups to develop solutions to landcare issues in specific areas. Rural Women New Zealand was a foundation member of the Trust, recognising the involvement and input that rural women have in farming operations and in managing land sustainably. There are 319 landcare groups under the Trust's umbrella. Landcare groups involve a range of people, and cover such issues as farm production, land stabilisation, environmental monitoring, native flora and fauna protection, pest and weed eradication, and river and estuary monitoring and restoration. Rural Women New Zealand encourages its members to be closely involved in landcare groups in their areas.

ACCESS TO UTILITIES

Housing in rural areas is, in general, less crowded than in urban areas. However, there has been some concern about the safety and adequacy of housing available in some areas of the country. Ensuring that housing meets building regulations and by-laws is the task of local government, and work has been done in recent months to ensure that houses, particularly rental properties in rural areas, are safe to live in.

Provision of network services such as electricity, transport and telecommunications to rural customers is the subject of an ongoing discussion between the government and industry providers. MAF Rural Affairs spends much of its time commenting on policy related to network services. The general position of the parties involved is that everyone should have access to essential services at a reasonable cost.

The Electricity Act 1992 requires all electricity distributors to provide line function services until 2013 to all those who received electricity before 1993. This includes providing services to all rural areas. An amendment to the Electricity Act in 2001 means that line charges for rural areas will be monitored and compared with urban charges to ensure comparability.

Innovative uses of information technology can go a long way towards counteracting the effects of isolation and distance. However, particular issues facing rural people are the unreliability of telephone services, which are commonly affected by adverse weather conditions, and a lack of coverage for mobile phones. In rural areas there is also difficulty in getting high-speed Internet access.

PUBLICATIONS REFERRED TO

Botha, N. *et al.*, 2001, *Addressing the Rural Digital Divide in New Zealand*, MAF Operational Research, Wellington.

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Murphy, N., and Opus International Consultants Limited, 2001, *Defining the Rural Population – A National and International Literature Review*, MAF Sustainable Resource Use Policy Study, Wellington.

Newell, J., 1996, *New Zealand Regional Trends in Agriculture and Rural Communities: 1986-96*, Draft Report, MAF Operational Research, Wellington.

Rural Women New Zealand, 2001, *Rural Health Survey*, Wellington.

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ARTICLE 15

EQUALITY BEFORE THE LAW AND IN CIVIL MATTERS

1. *States Parties shall accord to women equality with men before the law.*
2. *States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.*
3. *States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.*
4. *States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.*

CIVIL LEGAL AID

Women are the main recipients of civil legal aid. Around 85 percent of civil legal aid relates to Family Court matters, principally to custody and/or access arrangements for dependent children following a breakdown in a relationship, and to domestic violence matters. In the 2000/01 financial year over $34 million was spent on family civil legal aid, with an average cost per case of approximately $1,500.

Civil legal aid is now administered by the Legal Services Agency, a Crown entity set up by the Legal Services Act 2000. The Agency's task is to promote access to justice by providing a legal aid scheme that assists people with insufficient means to pay for legal services, and to support community legal services by funding community law centres, education and research. The Agency is responsible to the Minister of Justice, and advises the Minister on matters relating to the provision of legal services.

The Agency also funds a research programme to identify unmet legal needs, and to identify and prioritise appropriate service developments to fill the gaps. Along with ethnicity and socio-economic issues, gender is a key area in this research.

CIVIL COURT FEES

Legislation that came into effect in October 2001 gives court registrars the power to waive, refund or postpone civil court fees if the applicant is unable to pay, or if the case concerns a matter of public interest and would not otherwise proceed. Fees for many Disputes Tribunal hearings have been significantly reduced, while many District Court, High Court and Court of Appeal fees have been increased. However, appeals to the High Court from administrative tribunals (for example, those dealing with ACC appeals, immigration and social welfare cases) and applications to the High Court for judicial review will be exempt from the fee increases. These changes are intended to improve access to justice for most small users of the system.

COMMUNITY LAW CENTRES

The Legal Services Agency also manages the funding for community law centres which provide a mix of free services tailored to their community's legal needs. In 1992, there were nine centres; in 2002 this number had grown to 24.

Community law centres are all individually managed, usually as incorporated societies or charitable trusts. Funding can come from a variety of sources, but mainly from the New Zealand Law Society Special Fund via the Legal Services Agency. The government also provided some additional funding as part of the 2002/03 Budget.

The Legal Services Agency has a role in setting up new community law centres. It may investigate the need for a centre and may help with advice and establishment funding. Women are the major users of community law centres.

WOMEN'S ACCESS TO JUSTICE

The New Zealand Law Commission conducted the Women's Access to Justice project in response to serious concerns among women about the accessibility and operation of the justice system. In 1999, the Law Commission published the following:

- *Women's Access to Legal Services* (study paper)
- *Justice: The Experiences of Mäori Women: Te Tikanga o te Ture: Te Mätauranga o ngä Wähine Mäori e pa ana ki tënei.*

Women's Access to Legal Services

This study paper focuses on the problems that women have in obtaining the legal services they need to access the justice system, and recounts why services do not accommodate women as they should. The study concludes that New Zealanders face substantial barriers in obtaining the legal services they need to gain access to the justice system. Women are particularly adversely affected because legal services fail to take into account:

- such matters as employment status, caregiving responsibilities, income levels and subjection to violence
- the diverse circumstances of women, such as ethnicity, cultural values, language, geographic location, disabilities and sexual orientation.

Five major themes were identified regarding the barriers that women encountered in obtaining appropriate legal services:

- *communication* – difficulties in obtaining the information needed to decide whether and how to use the justice system
- *culture* – difficulties experienced by Mäori women and women from other ethnic groups in finding legal services that are responsive to their cultural values
- *caregiving* – lack of recognition of women's roles as caregivers
- *cost*
- *control* – women's limited ability to participate in the management and resolution of their legal problems.

Recommendations

Women's Access to Legal Services provided 71 recommendations to assist policy-makers and law-makers to change the way legal services are delivered. The categories the recommendations cover are:

- choice – between community-based and private lawyers' services
- cost of legal services – civil legal aid
- choice among private lawyers
- accountability to clients for the quality of lawyers' services
- communication – understanding law in its social context
- ideas for further change.

Justice: The Experiences of Mäori Women: Te Tikanga o te Ture: Te Mätauranga o ngä Wähine Mäori e pa ana ki tënei

This report provides an overview of the historical and social contexts of Mäori women's lives, and draws links between these and Mäori women's experiences and perceptions of the justice system as a whole.

The report notes that the justice sector has failed to recognise the extent to which:

- differences of culture affect Mäori women
- socio-economic disadvantage affects Mäori women, including their access to information and legal services
- attitudes within the justice sector affect Mäori women – this was manifest in the negative experiences described by Mäori women during the consultation.

The report also notes that barriers faced by Mäori women in their efforts to access the justice system have caused failures. The key barriers are:

- *cultural disregard* – Mäori women identified the dominance of colonial values and lack of Mäori personnel in the legal system as the major barriers to justice. Mäori women attending the consultations were critical of the attitudes of some in positions of authority in the justice sector. Mäori women referred to examples of unsatisfactory interactions with justice system personnel, which were caused by a lack of acknowledgement of Mäori culture and values.
- *socio-economic disadvantage* – underlying the above, however, is the effect of low socio-economic status, which is a barrier in itself. Although the consultation hui focused on access to justice, Mäori women often pointed out that access to justice cannot be separated from the level and quality of economic and social participation in society.

Recommendations

The report notes that two changes are required within the justice sector to improve the situation of Mäori women:

- agencies and the wider community must understand the causes and consequences of disregarding the cultural values and socio-economic disadvantage of Mäori women
- there must be support for strategies that foster participation by Mäori, particularly Mäori women. There must be joint policy formulation, and help for Mäori women to develop structural and organisational capability so they can participate in service delivery.

The report identifies at least three principles of particular importance that should guide the policy and operational efforts of justice sector agencies to ensure Mäori women are treated justly. The three principles are:

- *partnership* – this entails a co-operative approach that underlines the importance of Mäori and agencies working together to achieve the best outcomes for Mäori women (for example, refuges for Mäori women, and local police partnerships)
- *options* – Mäori women should be able to access mainstream institutions, Mäori institutions or a combination of both
- *participation* – this is a means by which Mäori women can achieve positive development, including community-based services, liaison and better information between Mäori women and services, greater participation of Mäori women in services provided to Mäori, and involvement in management directions.

The report identifies three means of measuring effectiveness, taken from the principles of the Treaty of Waitangi:

- *participation* – by women at all levels of the justice sector workforce, and as voluntary users of the justice system
- *increased autonomy* – of Mäori women
- *cultural endorsement* – within the justice system, or the consistency of services with Mäori cultural integrity.

Implementation

In 2001, the Ministry of Women's Affairs compiled the key information from these reports and presented it to the Ministry of Justice, the Department for Courts, the New Zealand Police, and the Department of Corrections for comment and discussion, and to help them address women's concerns about the operation of the justice system. These agencies provided feedback on the work they are undertaking in relation to these issues, including:

- review of the Guardianship Act 1968 (see Article 16: Marriage and Family Life, p.149)
- review of policy and practice arising from the evaluations associated with the Domestic Violence Act 1995 (see Article 16: Marriage and Family Life, p.153)
- improvements for women inmates (see Article 13: Economic and Social Life, pp.130-2)
- implementation of the Legal Services Act 2000
- review of eligibility for legal aid
- review of the regulation of law practitioners
- stocktake of staff, policies and practices by the New Zealand Police, followed by initiatives to address concerns raised by the stocktake.

The government is aware of the need to encourage the appointment of more women both generally and to legal and judicial office. One of the two judges most recently appointed to the High Court is a woman who is one of the youngest appointees to the High Court in New Zealand's history.

The Associate Minister of Justice has asked the Law Commission to review the structure of the courts. A final report is due with the Associate Minister by 31 March

2003. The Law Commission released a discussion paper on issues regarding dispute resolution in the Family Court in January 2002, and called for public submissions, which closed on 4 April 2002. Another discussion document on the broader New Zealand court system was released in April 2002 for public consultation. Further consultations are planned as the Law Commission advances its examination. It is due to report to the government later in 2003.

PUBLICATIONS REFERRED TO

Ministry of Women's Affairs, 2001, *Women's Access to Justice: Summary of Reports Prepared by the Ministry of Women's Affairs for the Ministry of Justice, Department for Courts, New Zealand Police, Department of Corrections*, Wellington.

New Zealand Law Commission, 1999, *Women's Access to Legal Services: Women's Access to Justice*, Wellington.

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ARTICLE 16

MARRIAGE AND FAMILY LIFE

1. *States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:*

   (a) The same right to enter into marriage

   (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent

   (c) The same rights and responsibilities during marriage and at its dissolution

   (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount

   (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights

   (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount

   (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation

   (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. *The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.*

FAMILY NAME

The registration of a child's birth is primarily the responsibility of the parents, who are normally joint guardians by virtue of their parenthood.

Where the mother and father are legally married to each other, either parent may register the birth. If the parents are not legally married to each other, the mother is the sole guardian and is required to register the birth.

The Births, Deaths and Marriages Registration Act 1995 (BDMR) requires that, when a child's birth is registered, one name shall be designated by the parent who registers the birth as the child's surname, and that one or more other names be provided. The surname can be the mother's or father's surname.

Children are entitled to use their father's surname under the principle of patronymity in common law. That is, children born within a marriage inherit their father's surname as a concomitant of his guardianship over them. However, there is some uncertainty in New Zealand concerning that principle, because of a number of factors:

- since 1970 (under the Status of Children Act 1969 and the Guardianship Act 1968), both married parents of a child are its guardians
- parents in a marriage are increasingly using different surnames
- since 1972, parents have been able in practice (and legally since 1995) to register any surname for their New Zealand-born children.

Where an application is made to the Registrar-General of Births, Deaths and Marriages to change the name of a child who is under 18 years of age and who has not been previously married, the application must be completed by:

- the child's guardians jointly; or
- if any guardians are "unavailable", the other or others of them; or
- if, on the application of one guardian, the Family Court has consented to a change in the child's name.

Under the Act, "unavailable" has been defined to mean "unless the context otherwise requires…dead, unknown, missing, of unsound mind or unable to act by virtue of a medical condition".

New Zealand continues to give formal administrative recognition to the historical convention that a woman assumes her husband's surname on marriage. More recently, however, this convention has begun to vary. For example, some couples have decided that on marriage the woman or both parties will adopt a hyphenated combination of the two surnames. In other cases, the man has decided to adopt his wife's surname on marriage, or a hyphenated combination of both their surnames.

Although most organisations accept a marriage certificate as evidence of such changes of name, some institutions, such as banks, require an applicant to complete a separate statutory declaration for that institution's purposes.

MARITAL STATUS

See Article 2: Anti-Discrimination Measures, p.31.

PROPERTY (RELATIONSHIPS) ACT 1976

The Property (Relationships) Amendment Act 2001 has renamed the Matrimonial Property Act 1976 as the Property (Relationships) Act 1976, and amended it. The changes took effect from 1 February 2002, although the contracting-out provisions came into force on 1 August 2001.

Three major changes result from these reforms:

- the same property division regime will now apply to *de facto* (including same-sex) relationships as applies to married couples. This means that relationship property will now generally be divided equally between spouses or partners at the end of a marriage or relationship.

- the same property division rules will apply on the death of a spouse or partner. Previously, a surviving spouse could end up worse off in property terms when their spouse died than if they had separated, and a surviving *de facto* partner had no statutory property rights.
- new measures are provided aimed at addressing economic disparities that arise between spouses or partners when a marriage or relationship breaks down and that are due to the division of functions during the marriage or relationship. These give the court discretion to award lump-sum compensation payments. In exercising its discretion, the court can consider the likely earning capacity of each spouse or partner, their responsibilities for the ongoing daily care of their minor or dependent children, and any other relevant circumstances.

For the purposes of the Act, a *de facto* relationship is one between two people (regardless of their gender) who live together as a couple. A list of criteria is provided in the legislation to assist the court in assessing whether two people are "living together as a couple".

Couples can contract out of the rules, subject to complying with certain formalities, including a requirement for independent legal advice for each spouse or partner. Regulations have been promulgated, providing an optional model of a contracting-out agreement to assist with this process.

The Ministry of Justice is currently undertaking a broad review of all other legislative provisions that may treat same-sex and *de facto* opposite-sex couples differently from legally married couples. The review involves identifying laws that would need to be changed to give same-sex and *de facto* opposite-sex couples essentially the same rights, protections and responsibilities as married couples.

TEENAGE AND ARRANGED MARRIAGES

The trend towards later marriage is continuing. Formal marriages are being increasingly postponed and fewer New Zealanders are marrying in their teens or early twenties. In 2001, 600 teenage girls (under 20 years) were married, compared with 8,700 in 1971. Teenage girls comprised 32 percent of all females who married in 1971, but only 3 percent in 2001. Among partnered women aged 15–19 years at the time of the 2001 Census, 9 out of 10 were living in a *de facto* union.

There are no figures kept on whether teenage marriages are "arranged". Not all arranged marriages of minors (aged 16–20 years) are necessarily undesirable if the consent of the minors concerned is freely given. Forced or "shotgun" arranged marriages are likely to be considered void if challenged. For the marriage of a minor in New Zealand, the consents of parents or guardians are required under the Marriage Act 1955. In addition, the parties to the wedding must freely consent to the marriage for it to be valid. This latter requirement is an implicit feature of the solemnisation process before a celebrant, and is an explicit requirement if the marriage is to be performed in accordance with the rules and procedures of a specified body.

The absence of free or informed consent to a marriage would make a marriage open to challenge as *void ab initio* under the Family Proceedings Act 1980. The most likely ground for such a challenge would be that the consent of the minor was obtained under duress. However, in the case of arranged marriages, a sense of duty to parents, a feeling of obligation to adhere to the custom of religion, or a reluctance to marry may not be sufficient to meet the test of duress.[51]

GUARDIANSHIP ACT 1968 REVIEW

The Guardianship Act 1968 is currently under review. This legislation has not been substantially amended for 30 years and in that time the family has undergone many changes, including changes to parental roles and family structures. The international community, New Zealand society and legislation have also placed greater emphasis on the needs and rights of minority and indigenous peoples, and on a more child-focused approach in such legislation. The Associate Minister of Justice issued a discussion paper on the review of the Act in 2000. Preliminary decisions on amendments to the Act were made in April 2002 with the intention of introducing a Bill to Parliament by the end of 2002.

A key element of the review has been to assess the effectiveness of existing enforcement processes, including those available for access orders. The government has decided that, in addition to increasing the enforcement options available to parents, the role of Family Courts will be expanded to include options for intervention that focus on prevention, facilitation and enforcement. This will inevitably involve Family Courts in facilitating access arrangements for the benefit of the parents and children involved.

The government has also invited the Ministry of Justice to report to Cabinet in September 2002 on the requirement in the Act for non-custodial parents to pay for supervised access, and on the funding options for supervised access referrals made under guardianship legislation, with a view to securing new initiative funding (if required) for the 2003/04 financial year. Work to date on this issue has recognised the barrier that the costs of supervised access pose to parents, and the negative effects this can have on children.

In the context of the review of the Act, the government has also decided to amend the Status of Children Amendment Act 1987 to include same-sex partners within the definition of the relationships recognised for deeming parental status where a child is born as a result of using assisted human reproduction.

Women with Disabilities

A biological mother with a mental illness has the same automatic rights of guardianship as a mother without a mental illness. These natural rights of guardianship may be modified by way of an order made in a Family Court. Examples of such modification include:

- an order to remove the guardian status of a mother under the Guardianship Act, but only if the parent is for some grave reason unfit to be a guardian
- a custody or access order that modifies a parent's right to have a child live with them or otherwise have contact under the Guardianship Act

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[51] *Singh* v *Singh* [1971] 2 All ER 828, 831.

- an order appointing a person as a guardian in addition to the mother or for a specified purpose under the Guardianship Act
- an order placing a child under the guardianship (previously known as wardship) of the Court, under the Guardianship Act.

In all proceedings under the Guardianship Act, the welfare of the child is to be considered as the first and paramount consideration.

Grandparents

Currently there are three ways in which grandparents might commonly become involved in proceedings under the Guardianship Act:

Care and Protection Concerns

Where there are serious concerns for the welfare and safety of children, it is not uncommon for grandparents to seek custody of the children under the Guardianship Act. Some of these cases might be dealt with under the Children, Young Persons and their Families Act 1989 (CYPF Act). However, orders under the Guardianship Act may offer more long-term security, as they are not subject to the regular six-monthly reviews of orders under the CYPF Act.

Access Disagreements

Where the level of conflict between separated parents is high, grandparents may be denied any contact with their grandchildren by the custodial parent. Similarly, there are occasions when a parent may refuse their own parents access to children. Currently, access for a grandparent can be awarded only as a condition to a custody order, or if the grandparent's child has died, been refused access by a court, or has failed to attempt to exercise access.

Additional Guardians

In some cultural groups it is common for extended family members, such as grandparents, aunts and uncles, to have substantial responsibility for the day-to-day care of a child. Some families may wish to formalise the status of such a caregiver by applying to have the family member appointed as an additional guardian. Such appointments can be made by way of consent order.

The first two situations described above are the most likely to be the cause of dissatisfaction voiced by grandparents' groups. The most frequent complaints are about the cost and trauma of repeated court proceedings. Grandparents frequently mention that because of their high level of capital assets they are often ineligible for legal aid, or may have charges lodged against their home. The eligibility criteria for legal aid are currently under review.

There are four proposed changes to guardianship legislation that may have a positive impact on grandparents involved in guardianship disputes:

Status to Apply for Court Orders

Grandparents will have standing to seek leave for orders concerning access to children.

Cultural Reports
The Family Court will have an explicit power to order a report on the cultural background of a child.

Attendance at Hearings
Persons attending earlier dispute resolution processes will be able to request to attend any subsequent guardianship hearing in the court. The Law Commission's review of Family Court dispute resolution includes consideration of a wider group of people being entitled to attend earlier dispute resolution processes such as mediation.

Vexatious and Frivolous Proceedings
The Family Courts will be able to strike out or prohibit proceedings that are vexatious, frivolous or not in the best interests of the child.

ADOPTION ACT 1955 REVIEW

The Adoption Act 1955 is currently under review. The reasons for reviewing this Act are similar to those that were the impetus for the review of the Guardianship Act 1968. In particular, the legislation has not been substantially amended for over 45 years, despite significant changes in both family life and adoption practice over that period. In 1999, the government asked the Law Commission to review the legal framework for adoption in New Zealand and to recommend whether and how the framework should be modified to better address contemporary social needs. The Commission reported its findings in September 2000. The Commission's report formed the primary focus for a further review of adoption by a select committee. The government members of the committee tabled an interim report in August 2001. The government is currently considering the best way to reform legislation in this area.

VIOLENCE AGAINST WOMEN

In New Zealand there is evidence that partner abuse affects a substantial number of women. Although definitional and methodological variations make consistent prevalence statistics difficult to come by, the best available population-based estimates of partner abuse suggest that 15 percent of women are hit or forced to have sex by their partners at least once in their lifetime. Fifteen to 21 percent of women report having experienced physical or sexual abuse and 44 to 53 percent report having experienced psychological abuse in the previous 12 months.[52]

Various pieces of research report the following:

- domestic violence is the fifth leading cause of death from injury for New Zealand women[53]
- 50 percent of all homicides of New Zealand women are committed by the woman's partner or ex-partner[54]
- 1 percent of all women with current partners had been treated or admitted to hospital as a result of that partner's violence
- 3 percent of women reported being afraid that their partners might kill them

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[52] Ministry of Health, 2001.
[53] Fanslow, 1995.
[54] *Ibid*.

- 6 percent of men arrested by police for family violence had assaulted their pregnant partners (data from 500 women)[55]
- 15 percent of residents in women's refuges had a permanent disability as the result of battering.[56]

Statistics collected by the National Collective of Independent Women's Refuges (NCIWR) point to the over-representation of Māori women and children among those using women's refuges. In 1999, 3,085 Māori women and 4,851 Māori children, compared with 3,899 non-Māori women and 4,636 non-Māori children, used NCIWR refuge services.

The Family Violence Project of the Ministry of Health focuses on improving the health sector's response to victims of family violence, with a particular focus on integrating responses to child abuse and intimate partner violence. The project will focus largely on the implementation of protocols for the identification, management and referral of these victims of violence. This will involve significant changes to the understanding of family violence and the role of the health professional, as well as changes to clinical practice. The project is targeting paediatric, maternity, general practice and emergency services. The major aspects of the project will be evaluated, and the results are expected in 2003.

The New Zealand Medical Association, the New Zealand Nurses Association and most health professional colleges have passed or are in the process of passing family violence policies, in terms of the role they can play in the support and empowerment of women victims of violence.

Te Rito: New Zealand Family Violence Prevention Strategy

Te Rito: New Zealand Family Violence Prevention Strategy, published by the Ministry of Social Development, was launched in March 2002. *Te Rito* sets out the government's key goals and objectives, principles for future developments, and a five-year implementation plan for maximizing progress towards the vision of families/whānau living free from violence. The strategy acknowledges the gendered nature of family violence.

The principles of *Te Rito* are as follows:

- all people have a fundamental right to be safe and to live free from violence
- the unique customary and contemporary structures and practices of whānau, hapū and iwi must be recognised, provided for and fully engaged
- family violence prevention is to be viewed and approached in a broad and holistic manner
- perpetrators of violence in families/whānau must be held accountable for their violent behaviour
- there must be a strong emphasis on prevention and early intervention, with a specific focus on the needs of children and young people
- approaches to family violence prevention must be integrated, co-ordinated and collaborative

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[55] Maxwell, 1994.

[56] Chambers and Chambers, 1989.

- the community has a right and responsibility to be involved in preventing violence in families/whānau
- the diverse needs of specific populations must be recognised and provided for when developing and implementing initiatives for family violence prevention
- initiatives for family violence prevention should be continually enhanced as information and better ways of working are identified.

The goals of *Te Rito* are:

- to bring about attitudinal change by encouraging intolerance of violence in families/whānau, and by ensuring that members of society understand its dimensions and manifestations, and play their part in preventing it
- to achieve an effective, integrated and co-ordinated response to violence in families/whānau, and to ensure that quality services are available and accessible to all
- to prevent violence in families/whānau by providing children, young people and their families/whānau with education and support, and by identifying violence early
- to ensure that approaches to family violence prevention are culturally relevant and effective for whānau, hapū and iwi, and for Pacific peoples and other ethnic populations
- to ensure that there is a consistent and ongoing commitment to family violence prevention.

Domestic Violence Act 1995

The Domestic Violence Act 1995 has now been in force for six years. The definition of violence closely resembles the definition of violence used in the Declaration on the Elimination of Violence Against Women. The definition of domestic violence under the Act is broad, incorporating physical, sexual and psychological abuse, including intimidation, harassment and threats. The Act also includes prohibitions against sibling violence and parental violence through the broad definition of "domestic relationship", which includes family relationships, close personal relationships and same-sex relationships.

The implementation of the Act has been evaluated by the Ministry of Justice, which found that there was a high degree of support for the legislation. Programmes offered under the provisions of the Act are also being evaluated and results so far have shown that the programmes are effective in meeting the objects of the Act. Any issues raised in the evaluations that suggest amendments to policy and practices will be addressed by the Ministry of Justice and the Department for Courts by June 2003.

Family violence has been included as a key priority area in the Crime Reduction Strategy currently under development.

Refugee and Migrant Women

Migrant women who leave abusive or violent marriages or relationships while in New Zealand on a Visitor Visa or Student Visa (i.e. without permanent residence) may be in a vulnerable situation. Returning to their homeland may not be viable if they face being disowned by their families for leaving the relationship. The government responded to this issue by changing work permit policy in 2000 and residence policy in 2001. Consequently, women who are the victims of domestic violence and meet the criteria in the government's Domestic Violence Policy can be granted a three-month work permit. At the end of this period, women can apply for permanent residence under the special residence policy for victims of domestic violence.

PUBLICATIONS REFERRED TO

Ministry of Social Development, February 2002, *Te Rito: New Zealand Family Violence Prevention Strategy*, Wellington.

APPENDIX 1: WOMEN'S VIEWS

This section provides a summary of the key themes and issues to emerge from the public consultation process for the CEDAW report (see Methodology, pp.11-13). It also outlines the actions suggested by women and girls to address the key issues. "Women's Views" therefore represents, in good faith, the views of those consulted, but it cannot be said to represent the views of all New Zealand women. A list of groups and individuals who made written submissions on the draft CEDAW report is attached as Appendix 2.

The text in italics provides summary information from the government about legislation, policy or activity that may meet some of the issues raised by women and girls. The cross-referencing indicates where more detailed information can be found in the body of the report.

"Women's Views" does not constitute an agreed work agenda for the government. However, the issues summarised in this section have informed work currently under way on the Women's Strategy (see p.36), and will be considered by the Ministry of Women's Affairs (MWA) as it develops the strategy for consideration by the government. The strategy will set out a cross-government action plan to address priorities for women.

MÄORI WOMEN

Mäori women were concerned about a lack of recognition by government of their status as tangata whenua and as Treaty partners, in particular:

- the government using data to articulate Mäori women's status from a disadvantage or deprivation perspective, which fails to recognise Mäori women's innovation to pursue, develop and control their own solutions and strategies, which enable them to fully participate in an innovative New Zealand capable of sustained social and economic development
- iwi partnerships with government departments being under-utilised for consultation with Mäori
- lack of a cross-sectoral government response to Mäori socio-economic inequality
- lack of funding for MWA.

Mäori women suggested the following ways forward to address their concerns:

- recognition, including from funders, of the status of Mäori women within the context of whänau, hapü and iwi, and of the role and value of women in communities
- a greater focus on developing solutions, rather than on defining problems
- focusing policy interventions on the existing strengths within communities
- maintaining whänau, hapü and iwi partnerships with government
- investing in women and families, using MWA as the focal point with increased funding.

Government Comment

Government is implementing a whole of government approach, "Reducing Inequalities", to monitor policies to respond to the needs of disadvantaged communities, and to set directions in social and economic policies to respond better *to the needs of Mäori and Pacific communities and other disadvantaged New Zealanders. The monitoring and audit functions of the Ministry of Mäori Development have also been strengthened, and MWA has included an output class in its Statement of Intent 2002-2005 specifically concerned with Mäori women's priorities (for more detail see New Zealand Government Response to the Concluding Observations of the CEDAW Committee, pp.19-21).*

WOMEN'S PARTNERSHIP WITH GOVERNMENT

Women were concerned about the lack of engagement with government on the basis of partnership. Women believed that this was exacerbated by:

- the diversity and multitude of NGOs
- the cost and time involved in participating as a stakeholder in government
- women's issues often being put into social policy and excluded from economic policy
- the contracting out of social services, with groups often funded to provide specific services, but not to provide advocacy and workforce development, in conjunction with the scaling-down and centralisation of public services.

Women suggested the following ways forward to address their concerns:

- the government to develop a strategy to recognise women as key stakeholders, acknowledges their diversity and the cost and time factors of participating as a stakeholder
- key NGOs to work in partnership with MWA to effect social change on core issues such as violence, while recognising the differences in their respective roles
- establishing a Women's Forum or NGO group to have meaningful dialogue with government.

Government Comment

MWA has been directed by Cabinet to develop a Women's Strategy that will identify priorities for women and actions to address these. The strategy will be developed by fully engaging with New Zealand women, and key policy and service delivery organisations (for more detail see Article 3: The Development and Advancement of Women, p.36).

GENDER ANALYSIS

Women were concerned about the lack of gender analysis in the government's budget process, and in setting the revenue and expenditure requirements of public bodies or of contracted public services or programmes. Women also believed that gender analysis does not always reflect the diversity of women.

Women suggested the following actions to address these concerns:

- a requirement and funding for rigorous gender analysis across government
- gender analysis to be integrated into opportunities that arise regarding accountability, for example, the 'Review of the Centre'
- public bodies, or any recipients of government funding, to be required to include gender analysis in their budgets, forecasts, and proposals and decisions regarding policies, services and programmes, and be held accountable for doing so

- gender analysis to reflect the diversity of women, including young, Mäori, Pacific, refugee and migrant women, and women with disabilities
- a mechanism to ensure that identified issues are addressed by policy, for example that the Women's Health Strategy or gender analysis is included in DHB action plans.

Government Comment

Since January 2002, the government has required the inclusion of gender implications statements in all papers going before its Cabinet Social Equity Committee (SEQ), supported by gender analysis. The statement may also include particular attention to the impacts on Mäori and Pacific women if needed (for more details, see Article 3: The Development and Advancement of Women, pp.35-6). MWA will work with the Ministry of Health when Toolkits, developed to guide DHBs, are reviewed later in 2002. MWA will contribute to the gender analysis and recommend specific actions in relation to women's health in the Toolkits. A memorandum of understanding will be drafted between the Ministry of Health and MWA to formalise the relationship and specify expectations and timeframes (for more detail see Article 12: Health, pp.100-1). Key government departments are also required to report annually to Parliament on their effectiveness in reducing inequalities for disadvantaged groups, including Mäori and Pacific women (for more detail see Article 3: The Development and Advancement of Women, p.36).

DATA

Women and girls were concerned about a lack of disaggregated data to inform government and policy decision-making. Women were also concerned that data collection methods do not always show or measure their contribution to the economy. Specific concerns included:

- the invisibility in data and research of particular groups of women, including young, rural, refugee and migrant, Mäori and Pacific women, and women with disabilities
- NGOs being funded to provide services, not to conduct research or collect data
- the design of Ministry of Agriculture and Forestry (MAF) agricultural surveys not keeping up with the diversity of women's roles in the agricultural sector
- the lack of longitudinal data on the casualisation of the female labour force, which has implications for the development of informed policy on such areas as paid parental leave, part-time and full-time work, and multiple job holding
- the lack of consistent data collection across government, which prevents comparisons of outcomes.

The following ways forward were suggested:

- the government to amend its surveys and methods of data collection to include and measure the contributions of women to the economy
- government agencies to consult with NGOs on data collection and planning research in a partnership approach
- NGOs to be funded to collect specific data
- accurate disaggregated data to be collected to inform policy- and decision-making.

Government Comment

Social surveys either recently conducted or soon to be conducted by Statistics New Zealand (SNZ) have included booster samples for the Mäori and Pacific populations that will improve the availability of more detailed information. SNZ is conducting a review of the measurement of ethnicity and a review of the existing social survey programme, and the potential for a social survey programme to better address the information needs of the government and the community (for more detail see New Zealand Government Response to the Concluding Observations of the CEDAW Committee, pp.22-4).

CASUALISATION OF LABOUR

Women were concerned about a perceived increase in the casualisation of the female labour force and the implications it might have for them. Specific concerns included:

- poor rates of pay
- lack of access to basic employee rights, such as annual leave, sick leave and training
- lack of accessible information for employees to inform them of their rights.

Women suggested the following actions to address their concerns:

- an across-government approach to focus on developing a high-wage, high-skill, and high-trust labour market
- employee entitlements to be portable
- further education of employees and employers about rights and responsibilities for part-time and casual work.

Government Comment

The Employment Relations Act 2000 seeks to redress the inequality of bargaining power and provides protection against discrimination in employment on the same grounds as the Human Rights Act 1993. The Human Rights Act 1993 has recently been reviewed and strengthened. In July 2002, MWA released a discussion document on equal pay for work of equal value for public consultation until November 2002 (for more detail see Article 1: Definition of Discrimination Against Women, p.26; Article 2: Anti-Discrimination Measures, pp.27-9; and Article 11: Employment, pp.82-3).

The Department of Labour is undertaking research on the casualisation of the labour force, which predominantly affects women. Case studies of Mäori women will be included.

ECONOMIC AUTONOMY

Women were concerned about a range of issues that affect their economic autonomy in the long term, including:

- access to IT and participation in innovation, particularly by rural women
- access to credit
- moving from entitlements, especially the DPB, to paid work
- retirement income, as women tend to live longer and earn less than men over their lifetime
- access to and recognition of education, training and life-long learning

- the impact of caring responsibilities on lifetime income
- the differential impact of the Student Loan Scheme on women's lifetime income.

Government Comment

Over the last decade, the National Qualifications Framework has been introduced and is based on a concept of seamless education, allowing credits to be accumulated during and beyond the school years. In addition, the introduction of a system for Recognition of Prior Learning allows a wider range of skills and experiences to be valued than in the past. The current qualifications system is under constant review to consolidate coherent life-long learning pathways across the education framework (for more detail see Article 10: Education, pp.72-3)

Government assistance is available to women who are registered as unemployed and are in receipt of government income assistance, including unemployment benefits and benefits for sole parents. Assistance available to both women and men includes wage subsidies, transition to work grants (including the Work Start Grant which can be used to pay for essential costs resulting from starting work), work experience, community work, job search and assistance, and training. It is envisaged that the introduction of the Working Towards Employment plan will enhance the take-up of training opportunities for women. Barriers to accessing childcare are also being addressed as part of this work. In addition, the Working Towards Employment Bill recognises "family responsibilities" as part of its more holistic approach to social development (for more detail see Article 11: Employment, p.92, and Article 13: Economic and Social Life, p.123).

HOMECARE

Women were concerned about the employment conditions of many homecare workers and the impact this may have on those receiving care, specifically:

- the lack of support and recognition for unpaid carers
- the contracts of paid carers, which are very specific and do not cover travel costs or all of the tasks these workers may perform in the course of their work, and the impacts of this on their low pay
- occupational segregation in an occupation dominated by women and consequently under-valued and under-paid
- failure to recognise that both people with disabilities and able-bodied people are carers.

Women suggested the following ways forward to address their concerns:

- funding the travel costs of homecare workers in their contracts
- employment legislation to provide minimum standards for both the quality of care provided and the quality of employment conditions
- funding for training of homecare workers
- OSH guidelines to take into account the realities of working in people's homes
- co-ordinated review of funding and contracting approaches across government.

Government Comment

The Ministry of Health has undertaken some work to address workforce issues within home support services, including the upgrading of service specifications for home support services, including reference to staff training, oversight and supervision.

The New Zealand Disability Strategy (NZDS) was launched in April 2001 and presents a long-term plan for changing New Zealand society from a disabling to an inclusive society. The NZDS is an inter-sectoral document that outlines 15 objectives in areas such as human rights, social attitudes, education and employment, recreation and lifestyle, information, public services and support systems. It also provides a framework that will ensure that government departments and other government agencies consider people with disabilities before decisions are made (for more detail see Article 3: The Development and Advancement of Women, pp.37-8).

In July 2002, MWA released a discussion document regarding equal pay for work of equal value for public consultation until November 2002 (for more detail see Article 11: Employment, pp.88-9).

HEALTH

Women were concerned about gender inequalities in health, and in particular:

- lack of accessible information and education about sexual and reproductive health
- lack of awareness among young women of their long-term fertility, for example the impact of STIs on fertility, and delaying pregnancy too long
- lack of male responsibility for sexual and reproductive health issues
- the impact of the feminisation of poverty on health outcomes
- the significant numbers of women with endometriosis
- forced sterilisation, particularly of women with disabilities, and encouragement of sterilisation of women in low-income communities.

Women suggested the following actions to address these concerns:

- increasing the focus on sexual and reproductive health by:
  - ➢ raising the profile of women's health issues and organisations through effective advertising and documentaries, including on prime-time television
  - ➢ accessible information and education for all young women regarding long-term fertility
- reorienting health services to focus on young women having a positive relationship with their bodies
- including young men in all of these actions.

Government Comment

Government released Phase One of the Sexual and Reproductive Health Strategy in October 2001. The strategy provides the overall direction to achieve positive and improved sexual and reproductive health outcomes in New Zealand. Phase One provides the guiding principles and outlines the strategic directions for action plans that will address key issues, including STIs and unwanted/unintended pregnancies. Phase Two of the strategy is the development of action plans to reduce STIs, including HIV/AIDS, and unwanted/unintended pregnancies, focusing on improving the health of young people, and Māori and Pacific peoples (for more detail see Article 12: Health, p.111).

VIOLENCE

Women were concerned at the level of gender-based violence in New Zealand, specifically:

- societal attitudes still focusing on female behaviour in relation to rape and sexual violence, for example the news media focus on young women's alcohol consumption and rape, rather than on male behaviour towards women
- the level of funding for support services and organisations
- the link between violence and economic dependence
- police response times to domestic violence, particularly in rural areas
- police attitudes, which need to acknowledge the seriousness of violence within the family, not just from strangers
- carer/institutional abuse of people with disabilities and older people
- the financial cost to women of obtaining protection orders.

Women suggested the following ways forward to address violence against women:

- government to strengthen the NGO sector, including improved funding, and to work in partnership with NGOs to reduce violence against women
- analysis to identify root causes of violence to effect social change, rather than "ambulance at the bottom of the cliff" solutions
- MWA to address the issues within its role
- making progress on *Te Rito: New Zealand Family Violence Prevention Strategy*
- reinstating training on domestic violence at the Police College.

Government Comment

Te Rito: New Zealand Family Violence Prevention Strategy was launched in March 2002. Te Rito sets out the government's key goals and objectives, principles for future developments, and a five-year implementation plan for maximising progress towards the vision of families/whānau living free from violence. An evaluation of the implementation of the Domestic Violence Act found that there was a high degree of support for the legislation. Programmes offered under the Act are also being evaluated, and results so far have shown that the programmes are effective in meeting the objects of the Act. Any issues raised in the evaluations that suggest amendments to policy and practices will be addressed by the Ministry of Justice and the Department for Courts by June 2003 (for more detail see Article 16: Marriage and Family Life, pp.151-3).

EDUCATION

Women were concerned about their access to education, particularly:

- the cost of education, including the hidden costs of primary and secondary schooling, the Student Loan Scheme, and the cost of second-chance learning
- the education system's lack of cultural diversity and responsiveness
- the lack of recognition of prior non-academic learning
- the differential impact of the Student Loan Scheme on women
- the lack of responsiveness to women's different education needs at various life stages.

Women suggested the following ways forward:

- recognising the diverse needs of women in the Early Childhood Education sector

- focusing on lifelong learning, rather than the current division into early childhood, primary, secondary and tertiary education.

Government Comment

Every person who is not a foreign student is entitled to free enrolment and free education at any state school during the period beginning on the person's fifth birthday and ending on the first day of January after the person's nineteenth birthday. State schools are able to ask only for donations, not fees. Activity or course-related fees or uniform costs may be a financial barrier for some families. Many schools can assist parents with these costs, but the main recourse for parents will be through the income support system (for more detail see Article 10: Education, p.65).

The government has introduced a number of new measures to reduce the financial cost of tertiary education to students. These include:

- *ensuring, through its fee stabilisation policy, that tertiary fees have not gone up since 2000*
- *charging no interest on loans for students studying full-time, or studying part-time while on low incomes*
- *capping the student loan interest rate, in the 2001/02 income year, at 7 percent*
- *instituting new repayment provisions, which mean that at least 50 percent of repayments, less the inflation component, now go to the repayment of the principal (for more detail see Article 10: Education, pp.67-9).*

The government is undertaking a data integration exercise to obtain better information on the socio-economic impacts of the Student Loan Scheme, and a review of student support issues. Significant progress in the reform of the tertiary education system has already occurred, in particular through the review of funding and the development of the Tertiary Education Strategy 2002/07 (for more detail see Article 10: Education, p.69).

YOUNG WOMEN

Young women believed that their concerns were cross-sectoral, and accordingly these issues can be found throughout this section of the report. An additional concern for young women was that sex education was not available in all New Zealand secondary schools, particularly in private religious schools.

Young women suggested that sex education should be compulsory for all secondary schools, both public and private.

Government Comment

The government is now implementing the Youth Development Strategy Aotearoa (for more detail see Article 3: The Development and Advancement of Women, pp.38-9). Under the Education Standards Act 2001, state and state-integrated schools can no longer opt out of providing sexuality education classes; however, parents retain the right to withdraw their children from these lessons (for more detail see Article 10: Education, pp.71-2).

WOMEN WITH DISABILITIES

Women with disabilities noted that they are a diverse group and that disability is a cross-sectoral issue. They were concerned about:

- a lack of communication with women with disabilities
- the marginalisation of women with disabilities by the systems set up to support and empower them.

Women with disabilities suggested the following ways forward:

- informed engagement between women with disabilities and the government
- leadership development for women with disabilities in the community and local and central government
- creating strategies, frameworks and mechanisms to deal with employment issues for people with disabilities
- strategic social policy approaches to raising awareness of disability issues and culture.

Government Comment

The New Zealand Disability Strategy, Making A World of Difference: Whakanui Oranga (NZDS) was launched in April 2001 and presents a long-term plan for changing New Zealand society from a disabling to an inclusive society. The NZDS is an inter-sectoral document that outlines 15 objectives in areas including, human rights, social attitudes, education and employment, information, public services and support systems. It also provides a framework that will ensure that government departments and other government agencies consider people with disabilities before decisions are made. Implementation of the strategy is the responsibility of all government departments. Ongoing lead responsibility for the strategy transferred from the Ministry of Health to the newly established Office for Disability Issues within the Ministry of Social Development on 1 July 2002 (for more detail see Article 3: The Development and Advancement of Women, pp.37-8). The Human Rights Act 1993 provides protection against discrimination on several grounds, including sex and disability.

PACIFIC WOMEN

Pacific women were concerned about:

- the significant number of Pacific women holding multiple jobs and the impact this is having on their families
- the lack of acknowledgement of the significant amount of unpaid work that Pacific women do in their families, communities and churches.

Pacific women suggested workforce development, for Pacific women and men, for health and social services.

Government Comment

In 2002, the Ministry of Social Development produced a Pacific Strategy to provide a framework to help ensure its work is responsive to Pacific peoples. Its aim is to promote the social well-being of Pacific Peoples, enhance their participation in social and economic life, and contribute to the development of strong Pacific families and communities. The strategy includes action plans with a timeframe of up to 2004. A steering group will keep the strategy under review to ensure it remains relevant both *to the needs and aspirations of Pacific peoples and to the emerging concerns of the Ministry of Social Development.*

MWA, with support from the Ministry of Pacific Island Affairs, is planning a project to provide the two agencies with information and data on Pacific women to enhance the quality of policy advice they are able to provide on improving Pacific women's economic status. Such advice will enable government to prioritise and better target its strategies and interventions towards supporting improved employment and economic development outcomes for women.

REFUGEE AND MIGRANT WOMEN

Refugee and migrant women expressed the following key concerns:

- immigration status – the fact that they are not automatically granted permanent residence on marriage to a New Zealander can leave women stranded if the marriage fails or the relationship is violent or abusive
- the lack of access to services and information, with language the main barrier
- the lack of awareness of services and the implications of immigration status before arrival in New Zealand
- the lack of awareness of the status of educational qualifications and requirements for immigration and employment in New Zealand
- discrimination in the labour market owing to ethnic and cultural differences
- the invisibility of women and their oppression within immigrant communities, which can be ignored as "cultural".

Refugee and migrant women suggested the following ways forward to address their concerns:

- introducing a Universal Basic Income
- creating a Women's Committee within the Office of Ethnic Affairs
- providing a directory of information and services
- setting up a comprehensive settlement programme
- providing information to women before their arrival in New Zealand on their rights and entitlements and the services available
- improving the process for reunification of families
- co-ordination between immigration policy, educational requirements and employers
- government departments to engage with each other and with NGOs, and take a cross-sectoral approach to issues concerning refugee and migrant women.

Government Comment

The government changed work permit policy in 2000 and residence policy in 2001. Consequently, women who are the victims of domestic violence and meet the criteria in the government's Domestic Violence Policy can be granted a three-month work permit. At the end of this period, women can apply for permanent residence under the special residence policy for victims of domestic violence (for more detail see Article 16: Marriage and Family Life, p.153).

The Office of Ethnic Affairs, with six contributing government agencies, will operate a pilot telephone interpreting service. The service will provide free interpretation to speakers of some languages accessing the six agencies. The Ministry of Education *is currently working on an Adult English for Speakers of Other Languages (ESOL) Strategy, which is intended to provide a stocktake of current demand for and provision of adult ESOL, and a vision for New Zealand's ESOL provision in the future. Some of the issues the strategy intends to address, and which impact on women refugees' and migrants' experience of ESOL, include the need for very basic literacy programmes, programmes with childcare, and programmes that are affordable (for more detail see Article 10: Education, p.71).*

The Human Rights Act 1993 provides protection against discrimination on several grounds, including sex, colour, race, ethnic and national origins, and employment status. The Employment Relations Act 2000 also provides protection against racial harassment.

LESBIAN WOMEN/TRANSGENDER/BI-SEXUALITY

Lesbian, transgender and bi-sexual women were concerned about societal discrimination leading to their invisibility, and the lack of acceptance of diversity in sexuality.

They suggested sexuality awareness education in secondary schools to address this concern.

Government Comment

The Human Rights Act 1993 prohibits discrimination on the grounds of sexual orientation, including heterosexual, homosexual, lesbian or bi-sexual orientation. The Ministry of Justice is currently undertaking a broad review of all legislative provisions, except those related to social assistance, that treat same-sex and de facto opposite-sex couples differently from legally married couples. The review will identify laws that would need to be changed to give same-sex and de facto opposite-sex couples essentially the same rights, protections and responsibilities as married couples. As a concurrent process, the Ministry of Social Development (MSD) is working on a project to ensure that same-sex couples are treated the same way as married and de facto opposite-sex couples for social assistance purposes. MSD is currently considering what amendments may be necessary to give effect to the legal recognition of same-sex couples in the delivery of social assistance (for more detail see Article 2: Anti-Discrimination Measures, p.31).

APPENDIX 2: LIST OF SUBMITTERS

The following is a list of national and local groups and individuals who made written submissions on the Draft CEDAW Report, which was circulated for public comment from 13 December 2001 to 28 February 2002.

National Groups

1. Aotearoa Tertiary Students Association
2. Business New Zealand
3. DPA New Zealand
4. Family Planning Association – New Zealand
5. Human Rights Commission
6. Māori Women's Welfare League Inc*
7. National Council of Women New Zealand
8. New Zealand Council of Trade Unions
9. New Zealand Endometriosis Foundation
10. New Zealand Prostitutes' Collective (NZPC)
11. New Zealand Society for the Protection of the Unborn Child
12. Parents Centre New Zealand
13. Parish and Community Committee, Association of Presbyterian Women
14. Royal New Zealand Plunket Society
15. Rural Women New Zealand
16. United Nations Association of New Zealand

Local Groups

1. Auckland Sexual Abuse HELP
2. National Council of Women, Thames Valley
3. Nelson NGO CEDAW Group
4. Otago Women Lawyers' Society
5. Public Affairs Group, North Shore Branch, Federation of Graduate Women New Zealand
6. Shakti Asian Women's Centre
7. Social Justice Committee, St James Community Church
8. Te Puawai Tapu
9. Women's Electoral Lobby Kapiti, Liffet Stewart and Miranda Parress
10. Women's Health Action Trust

Individuals

1. Anne Moefa'auo *et al.*
2. Barbara Robson
3. Beverley Turner
4. Evelyn Jones
5. Frances Acey
6. Jeanette Garnett
7. Lois Burnett
8. Marianne Pederson
9. May Nicholson
10. Tina Barnett
11. Victoria Roberts

* The submission from the Māori Women's Welfare League is based on a series of consultation hui for Māori women that the League held throughout New Zealand.

APPENDIX 3: CORE DOCUMENT FORMING PART OF THE REPORTS OF STATES PARTIES

NEW ZEALAND

I. LAND AND PEOPLE

1. Land: New Zealand, situated in the south-west Pacific Ocean, midway between the equator and the South Pole, is made up of two main islands - the North and South Islands - and a number of smaller islands. Its total land area is 268,021 sq km (i.e. similar in size to Japan or the British Isles). New Zealand's largest neighbours to the north are New Caledonia, Fiji and Tonga, and Australia to the west. It is an area of the world characterised by active volcanoes and frequent earthquakes. The boundary between the Indo-Australian plate and the Pacific plate runs through New Zealand and the processes from the collisions have had a profound effect on New Zealand's size, shape and geology. The Southern Alps of the South Island, which rise amid permanent snow fields and many glaciers, include 19 peaks exceeding 3,000 metres. The two main islands cover 1,600 km from the northern tip to the southern extremity, with no part more than 120 km from the surrounding ocean. The long coastline and the distance from the nearest neighbouring countries contribute to giving New Zealand the fourth largest maritime Exclusive Economic Zone in the world. The Ross Dependency in Antarctica is also part of New Zealand.

2. New Zealand has jurisdiction over the non-self-governing territory of Tokelau. It takes seriously its obligation under the UN Charter to develop self-government in Tokelau, with a view to the exercise of self-determination. New Zealand provides for the preparation of reports in respect of Tokelau. Tokelauans, Niueans and Cook Islanders are all New Zealand citizens. Niue and the Cook Islands are self-governing States in free association with New Zealand. Under the free association relationships, the Governments of Niue and the Cook Islands have full legislative and executive powers. While New Zealand retains responsibility for the external affairs and defence of both countries, these responsibilities confer on New Zealand no rights of control and are only exercised at the express request of the Niue or Cook Islands Governments. Niue and the Cook Islands have full competence for the implementation of their obligations under the international human rights instruments and therefore are responsible for the preparation of the relevant reports. New Zealand has, in the past, provided assistance with these.

3. History: The first Polynesian settlers are believed to have arrived in Aotearoa/New Zealand more than 1,000 years ago. Mäori settlements were scattered over most of the country by the twelfth century. In 1642, Aotearoa was sighted by Dutch navigator Abel Tasman, but it was a further 127 years, in 1769, before British naval captain James Cook became the first European to set foot in New Zealand. Organised European settlement began in the mid-nineteenth century.

4. In 1840 the Treaty of Waitangi was signed between iwi Mäori (the indigenous tribes of New Zealand) and the British Crown. This treaty is the founding document of modern New Zealand.

5. Main ethnic and demographic characteristics: New Zealand has passed through a demographic transition similar to those experienced by other developed countries. The population has become highly urbanised, the average family size is slowly declining, and the number of elderly is increasing. Slow population growth is projected and steady ageing of the population will continue. A particular characteristic of the New Zealand experience is the growing diversity of ethnic groups, and those of non-European descent making up a growing proportion of the resident New Zealand population.

6. Population: New Zealand's resident population was 3.74million at the time of the last five-yearly census in 2001. The population density is estimated to be 13.8 per sq km.

7. Ethnic composition: New Zealanders of European ethnicity made up 80.0 per cent of the resident population in the 2001 census; 14.7 per cent of the population were Mäori. The majority of the remainder were in the Pacific Peoples Ethnic Group (6.5 per cent) or Asian Ethnic Group (6.6 per cent).

8. A breakdown of the population by main ethnic group follows. The table compares 1991 and 2001 Census results. People were asked to which ethnic group(s) they belonged. They could tick as many of the standard groups as they wanted and if those were not sufficient could print their own group(s). In 2001, around 9 per cent of New Zealand residents indicated that they belonged to more than one ethnic group. A much higher percentage (21 percent) of children under 5 belonged to more than one ethnic group in 2001. The wording of the 2001 Census ethnicity question was different to that used in the 1996 Census, although it was the same as that used in the 1991 Census (apart from the use of the term 'Mäori' instead of 'New Zealand Mäori'). As a result of this change in the ethnicity question, it is difficult to make comparisons between the data from the three census periods (1991, 1996 and 2001). For this reason ethnic group comparisons will only be made between 1991 and 2001.

9. The following table is based on total responses. Where a person reporte more than one ethnic group they have been counted in each applicable group. Up to six ethnic groups were recorded for each person in 2001, but in 1991 only three responses were recorded. In the table the 2001 data is presented on the same basis as 1991, and a prioritising system was used to decide which three ethnic groups would be used. The hierarchy for prioritisation at level 1 of the ethnicity classification runs New Zealand Mäori - Pacific Island - Asian - Other - European. The table excludes people that did not specify an ethnic group or whose response could not be identified.

Ethnic Group – Up to Three Responses [1][2] (Total Responses)[3] and Sex

for the Census Usually Resident Population Count 1991 and 2001

Ethnic Group – Up to Three Responses (Total Responses) and Sex	Census Year		Percentage of Total People	
			Census Year	
	1991	2001	1991	2001
Total People, European				
Male	1,368,789	1,394,163	83.0	79.8
Female	1,414,236	1,473,846	83.3	80.1
Total	2,783,025	2,868,009	83.2	80.0
Total People, Mäori				
Male	214,431	257,481	13.0	14.7
Female	220,416	268,797	13.0	14.6
Total	434,847	526,281	13.0	14.7
Total People, Pacific Peoples				
Male	82,404	114,153	5.0	6.5
Female	84,669	117,645	5.0	6.4
Total	167,070	231,801	5.0	6.5
Total People, Asian				
Male	49,395	112,644	3.0	6.4
Female	50,361	124,818	3.0	6.8
Total	99,756	237,459	3.0	6.6
Total People, Other				
Male	3,615	13,122	0.2	0.8
Female	3,078	11,802	0.2	0.6
Total	6,693	24,924	0.2	0.7
Total People [4]				
Male	1,648,239	1,747,752	100.0	100.0
Female	1,697,574	1,838,982	100.0	100.0
Total	3,345,813	3,586,731	100.0	100.0

(1) Changes to the form of the ethnicity question used in the 1996 Census have resulted in some data that is not consistent between 1991 and 1996 or between 1996 and 2001. This is why no 1996 data is included in this table. More information on changes can be found in the text.

(2) The ethnic data in this table has been compiled using up to three responses per person. If a person gave more than three responses, the three ethnic groups output are those that take highest priority under the priority recording system. This is the same method used in 1991. Data for 2001 can also be output with up to six responses.

(3) Includes all of the people who stated each ethnic group, whether as their only ethnic group or as one of several ethnic groups. Where a person reported more than one ethnic group, they have been counted in each applicable group.

(4) Does not Include those who did not specify an ethnic group

All cells in this table have been randomly rounded to base 3.

10. There has been a significant increase in the number of new immigrants (people born overseas and not resident at the previous Census) living in New Zealand. This group increased to 202,700 at Census 2001, an increase of 23 percent compared to 164,500 in 1996.

11. Asia continues to be the major source of new immigrants (people born outside New Zealand and who had been in New Zealand for less than 10 years), with fewer people from the Pacific region and other global regions remaining at levels similar to those in 1996. Between 1986 and 1996, Asia had replaced the United Kingdom and Ireland as the main source of new immigrants over the previous 10 years. For the ten years to 1996 the top three source areas were Asia (39.1 per cent), Europe (23.0 percent) and the Pacific (including Australia) (26.0 percent). For the ten years to 2001, the top three source areas were Asia (40.6 percent), Europe (21.5 percent) and the Pacific, including Australia, (20.3 percent), while those born in Africa increased from 4.8 percent of all people born overseas and in New Zealand for less than 10 years to 9.7 percent in 2001.

12. Important compositional changes in the source countries of Asian-born immigrants over the previous 10 years have continued. In 1986 Cambodia, China, India, Japan and Malaysia accounted for more than half of all Asian-born immigrants. By 1996 almost two-thirds of Asian-born migrants came from South Korea, China, Taiwan, Hong Kong and Malaysia. In 2001, nearly 80 percent of the total number of immigrants from Asia were from the following countries: People's Republic of China, South Korea, India, Taiwan Province of China, Hong Kong Special Administrative Region of China, Philippines and Japan.

13. Sex of the population: Women made up 51.2 per cent of the resident population in 2001. Projections indicate that women will continue to outnumber men into the next century. Migrant-sourced ethnic groups show large variations in sex ratios.

14. Age of population: In 2001, 22.7 per cent of the resident population of New Zealand were children under 15 years of age, 65.3 per cent of the population were aged 15-64, and 12.0 per cent were aged 65 years and over. The median age was 34.8 years.

15. Age differences in ethnic groups: The median age for the total New Zealand population is 34.8 years. The median age of the European ethnic group is 36.8 years

(including 41.1 years for British people and 43.8 years for Dutch/Netherlands people). This older age structure of these European groups in New Zealand is a reflection of the fact that many of their members migrated to New Zealand following World War II and that their children possibly no longer identify with the ethnic group of their parents. However, some less traditional European groups within New Zealand, such as French, Russians, Italians, Germans and Swedish people, have a younger median age than that of the total New Zealand population.

16. Tokelauans have the youngest median age for Pacific Peoples at 18.9 years while the median age for Mäori is 21.9 years. Fijians have the oldest median age among Pacific Peoples at 23.7 years. More than one-third of Pacific Peoples in New Zealand are children while only 3.3 per cent are aged 65 years or over. Mäori have a similar age distribution with 37.3 per cent age less than 15 years and only 3.4 per cent aged 65 years or over.

17. The Taiwanese Chinese have the lowest median age among Asian groups (23.3 years) and Sri Lankans the oldest (32.1 years). Many Asians are recent migrants to New Zealand and tend to be concentrated in the young-adult age groups. More than half (55.2 per cent) of Asians are aged 15-44 years while just under one quarter (23.6 per cent) are under 15 years and only 4.1 per cent aged 65 years or over. In comparison, 43.2 per cent of all New Zealanders are aged 15-44 years while 22.7 per cent are children and 12.1 per cent are aged 65 years or over.

18. In 2001 the median age for New Zealand females was 35.6 years, compared with 34.0 years for males. Mäori and Pacific Island females were younger in comparison to all females, with median ages of 23.0 years and 21.9 years respectively, whereas the median age for Asian females in 1996 was 29.7 years.

19. The European female population has a much higher proportion of older women, with 15.3 per cent 65 or over, compared with only 3.8 per cent in the Mäori, Pacific Island and Asian groups combined. Conversely, Mäori and Pacific Island females are far more likely to be aged under 15 years, with 35.7 per cent and 37.4 per cent respectively compared with 20.4 per cent of European females. Asian females are concentrated in the working-age groups, with 73.8 per cent aged between 15 and 64 years in 2001.

20. Economy: New Zealand is a developed country with a market economy dependent on overseas trade. Since the 1980s New Zealand, like many other countries, experienced a sustained period of rather flat economic activity, followed by cautious and uneven growth since 1993. By most measures living standards remained reasonably high, though these economic difficulties and changing patterns of global trade did lead to a decline in per capita incomes.

21. In 1984 a major economic liberalisation programme was initiated. Economic policy has been significantly reorientated towards establishing a market-oriented economy based and redressing macroeconomic imbalances. Structural reform was rapid and broad-based and has been accompanied by a medium-term anti-inflationary financial strategy. The repercussions of structural reforms have been pronounced. One consequence of the adjustment process was a significant medium-term fall in employment.

22. New Zealand's small economy is dependent on overseas trade. Traditionally, a large proportion of New Zealand's exports, mainly agricultural products, went to the United Kingdom. In the past 20 years, however, New Zealand has adapted to a changing world so that Asia is now more dominant. Our largest export markets are Australia, Japan, USA, the UK and Korea. New Zealand has developed its agriculture and manufacturing industries to suit the needs of niche markets. This has meant that New Zealand has moved away from its dependence on dairy, meat and wool exports as forestry, horticulture, fishing and manufacturing have become more significant. Tourism has increased in importance. The New Zealand Tourism Board estimates that in the year to December 2001 international tourism contributed NZ$5.2 billion to the economy, or about 4.4 per cent of GDP, excluding international airfare revenue.

23. Per Capita Income: The median annual gross income in 2001 was NZ$19,825 for New Zealand Europeans and NZ$14,827 for New Zealand Mäori. There were also large differences in the annual incomes of both men and women. In 2001 men had a median annual income of $24,913 and women $14,529. A comparison of average ordinary time hourly rates from the Quarterly Employment Survey indicates that as at February 2002 women were earning approximately 84 per cent of men's rates.

24. Gross Domestic Product: GDP in current prices for the year ending March 2002 was NZ$120,022 million, a 7.05 per cent increase on the 2001 figure.

25. Rate of inflation: In June 2002 the annual rate of inflation was 2.8 percent.

26. External debt: Total overseas debt at 31 March 2002 stood at NZ$128,828 million. Of this NZ $18,925 million was government debt.

27. Rate of unemployment: The seasonally adjusted official number of unemployed as at the March quarter of 2002 stood at 104,000, or 5.3 per cent of the labour force. (The official unemployed are defined as those out of work, actively seeking work and available for work.) Of this total, 79,000 were males, and 56,000 were females (unemployment rates of 5.2 percent and 5.4 percent respectively). Both New Zealand Mäori and Pacific Peoples have proportionally much higher levels of unemployment, especially in the 15-19 age groups. The total number of Mäori unemployed stood at 21,500 (10.8 per cent rate of unemployment) and the total number of Pacific Islanders unemployed was 9,500 (an unemployment rate of 9.7 percent).

28. Literacy rate: New Zealand has no official measure of adult literacy, but is internationally recognised as having a high level of literacy for both men and women. The International Literacy Survey in 1996 identified literacy patterns in New Zealand similar to that of the United Kingdom, U.S.A. and Australia. Various literacy projects are in place at no cost to the learner: Literacy projects include the indigenous Mäori model Te Whare Ako, (The House of Learning), sited in a paper mill, a long-running literacy programme in the workplace; English language courses for new immigrants and refugees such as the National Association of ESOL Home Tutor schemes which provides tuition for over 6,500 new migrants and refugees; English as a second language courses offered by other regional providers, Polytechnics and a number of

secondary schools; Foundations Skills courses, including a literacy component, provided to 33,000 unemployed adult learners annually through both private and state providers; Literacy Aotearoa's tuition of over 8,000 adults nationally (one third of whom are women); and the development of Literacy and English to Speakers of Other Language programmes as an educational priority in New Zealand prisons. In addition there are full-time fee paying courses available and a student loan scheme in place for learners who are permanent residents of New Zealand.

29. Religion: Of those stating a religious affiliation in 2001, 95.4 percent chose Christian, a decrease of 4.1 percent since the 1996 Census. There have been increases in the number of people affiliated to non-Christian religions. Numbers of Hindus, Buddhists and Islam/Muslims each increased by over 10,000 people between 1996 and 2001.

30. Nearly 30 percent of the usually resident population stated that they had no religion in 2001, 18.5 percent up on 1996, when just over one quarter had no religion. The number who objected to answering the religion question dropped slightly between 1996 (256,593) and 2001 (239,244).

31. Language: English is the principal language used by the majority of the population, and in public life. Mäori is the language of the tängata whenua (the indigenous people) of New Zealand. It is a taonga (treasure) under the terms of the Treaty of Waitangi, and became an official language of New Zealand by virtue of the Mäori Language Act 1987. The Act also provides that people may speak Mäori in any legal proceedings and that a competent interpreter may be made available. The curricula of many schools contain programmes for the instruction of the Mäori language. Students whose mother tongue is a Pacific Island language or another community language are given the opportunity to develop and use their own language as an integral part of their schooling.

32. Almost all (90.5 per cent) New Zealand Europeans speak only one language, predominantly English. In 2001, some 4.5 per cent of New Zealanders and 25.2 per cent of New Zealand Mäori said that they could have a conversation in Mäori.

33. Life expectancy: Life expectancies at birth for 1995-1997 were as follows:

Non- Mäori females	80.6 years
Mäori females	71.6 years
Non- Mäori males	75.3 years
Mäori males	67.2 years

34. Cancer and ischaemic heart disease have been the leading causes of death over the last ten years, each accounting for approximately one in four deaths. In 1998 cancer accounted for 29 percent of total deaths while ischaemic heart disease accounted for 23 percent.

35. Infant mortality: The infant mortality rate was 5.3 per 1,000 live births for the calendar year 2001. Neonatal mortality accounted for almost half of the infant mortality rate (2.76 deaths per 1,000 live births).

36. Direct maternal deaths: The rates for direct maternal deaths (e.g. due to complications of pregnancy, childbirth and the immediate post-partum period) fluctuate markedly from year to year due to the small number of deaths. The rate per 100,000 live births in 1998 was 1.7 percent (there was one direct maternal death in that year) and the rate for 1997 was 3.5 percent (there were two direct maternal deaths in 1997).

37. Fertility rate: Live births registered in the March year 2002 totalled 54,700. The latest fertility rates indicate that New Zealand women average about 1.97 births per woman. The latest figure is about 6 percent below the level (2.10 births per woman) required by any population to replace itself, without migration. In 18 of the last 22 years, fertility in New Zealand has been below the 'replacement level'.

38. In the March 2002 year, just under half (49 percent) of all newborn babies had a mother aged 30 years or older, well up from 35 percent in 1992. In contrast, the number of newborn babies with a mother under 25 years of age dropped from 31 percent in 1992 to 24 percent in 2002. There has been a long-term trend away from early childbearing. The average age of New Zealand women giving birth is now 29.5 years, compared with 27.9 years in 1992 and 25.6 years in the early 1970s.

39. The total fertility rate for Mäori was approximately 34 per cent higher than their non- Mäori counterparts in the calendar year 2001. The median childbearing age for Mäori women in 2001 was 25.97 years compared with 30.58 years for non- Mäori.

40. Age Distribution: Both the 1996 Census and the latest estimates show that the ageing of the New Zealand population is continuing slowly. The median age at 31 March 2002 (provisional) was 34.7 years, compared with 34.2 years at 31 March 2001 and 31.3 years at 31 March 1991.

41. Between 31 March 2001 and 31 March 2002 (provisional), the number of children under 15 years of age increased by 4,240 or 0.48 per cent, from 874,410 to 878,650. The number of New Zealanders of working age (15 to 64 years) rose by 41,630 or 1.65 per cent to 2,557,160 and their share of the total population rose slightly from 65.4 to 65.6 per cent over the year to 31 March 2002. The number of elderly New Zealanders (65 years and over) increased by 6,590 or 1.4 per cent, from 456,230 to 462,820. At 31 March 2002 half of elderly New Zealanders were more than 74.2 years of age.

42. Youth Structure: At 31 March 2002, the under 20 years of age group was estimated at 1,161,460 or 29.8 per cent of the total New Zealand population. Within this group, under 5 year olds decreased marginally by 0.1 percent (from 282,520 at 31 March 2001 to 282,100 at 31 March 2002), five-nine year olds decreased 1.3 percent (from 294,910 at 31 March 2001 to 303,620 at 31 March 2002) and 15-19 year olds increased 2.9 percent (from 274,870 at 31 March 2001 to 282,720 at 31 March 2002).

43. Percentage of population in rural areas and in urban areas: Although New Zealand is a predominantly rural country in terms of its land use, only 14.3 percent of the "usually resident population count" lived in rural areas at the time of the 2001 census. (Rural areas are defined as areas where the largest population

centres contain less than 1,000 people). Seventy-one per cent of the population lives in main urban areas (which are areas with 30,000 people or more) and approximately 14.7 per cent are urban but in secondary and minor urban areas with populations of under 30,000.

44. Auckland's urban area is the single largest urban agglomeration with an estimated population of 1,074,507. At the 2001 census, 66.9 percent of the total population in the Auckland Urban Area were European, 11.5 percent Māori, 14.9 percent Pacific Peoples, and 14.6 percent Asian (using total response information so percentages do not add to 100). The Auckland Urban Area's "usually resident" population increased by 82,671 between 1996 and 2001, making it one of the fastest growing areas in New Zealand.

45. Percentage of one-parent families with dependent children: As in 1996, the most common family type at the 2001 census was "couple with children". However, the proportion of "couple with children families" and "couple only families" are now quite similar at 42.1 percent and 39.0 percent respectively. This continues a trend, which has been evident since 1991, of an increase in the proportion of "couple only families" and a decrease in the number of "couple with children" families. One-parent families made up 18.9 percent of families, up from 17.7 percent in 1996 and 17.2 percent in 1991. Most (81.9 percent) sole parents were females although the proportion has declined by just over 1 percent since 1996.

46. Family households are still dominant in New Zealand. At the 2001 census, 71.3 percent of households contained families, down from 73.9 percent in 1996. There was an increase in the number of one-person households, with 23.4 percent of all households compared with 20.7 percent in 1996. The remaining households were multiple non-family members (for example people in a house-sharing situation).

II. GENERAL POLITICAL STRUCTURE

47. The supreme legislative body in New Zealand is the New Zealand Parliament which comprises Her Majesty the Queen (who is usually represented by the Governor-General) and the single-chamber, 120-member, House of Representatives.

48. The principal functions of Parliament are:

a) to make laws and delegate law-making powers to the Executive;
b) to scrutinise and control Government (annual grant of financial authority, scrutiny of delegated powers and functions);
c) to provide a Government; and
d) to represent the people of New Zealand.

49. The Electoral Referendum Act 1991 provided for an indicative referendum on electoral reform. The referendum was divided into two parts. The first part asked voters to choose between electoral reform or maintaining the existing first past the post system. The second part of the ballot asked voters to indicate which of four options for electoral reform they preferred. The majority of voters indicated a preference for electoral reform and for Mixed Member Proportional Representation (MMP). MMP was introduced after the second and final binding referendum held in conjunction with the 1993 General Election.

50. The Electoral Act 1993 governs elections, including the implementation of MMP. Voters have a party vote and an electorate vote under MMP. The party vote enables the voter to choose what party they would like represented in Parliament. As of June 2002, there were 21 registered political parties. The electorate vote is for choosing an MP to represent the voter's electorate.

51. Under the MMP system, there will usually be 120 Members of Parliament (MPs). In the Parliament elected in July 2002, 62 MPs represented the 62 general electorates and seven MPs represented the seven Mäori electorates. The remaining 51 MPs were list MPs. The boundaries of general and Mäori electorates are reviewed every five years by the Representation Commission, which last met in 2001. With respect to the Mäori seats, it should be noted that under the Electoral Act 1993, Mäori have the option of being registered either as an elector of a Mäori electorate or as an elector of a General electorate. Once a person has made their choice, the person cannot change the type of roll they are registered on until the next Mäori Electoral Option is held in five years time. The results of the Mäori Electoral Option form the basis for calculating the Mäori electoral population and affect the number of Mäori seats that there will be for the next two general elections.

52. The Cabinet, all of whose members are elected members of the House of Representatives, supervises the administration of government. Cabinet, the public service and a number of bodies connected to Government form the executive. Generally, each Government department has an appointed Minister as its political head. In addition, every department has a public servant as its administrative head.

53. The courts, which operate on an adversarial system, comprise the judicial branch of Government. Currently New Zealand's highest court is the Judicial Committee of the Privy Council, which sits in London as the final court of appeal for New Zealand. The Government has made the decision to abolish New Zealand appeals to the Privy Council and replace it with a Supreme Court based in Wellington. The Supreme Court, subject to the necessary legislation being enacted, will therefore be New Zealand's highest court when it is established. The second highest court in New Zealand is the Court of Appeal, which hears the vast majority of appeals. Below the Court of Appeal is the High Court, which is New Zealand's only court of general jurisdiction. It hears the most serious jury trials and civil cases as well as administrative law cases.

54. Below the High Court are the District Courts. They deal with a large number of criminal and civil cases and conduct some jury trials. The Family Court, a division of the District Court, deals with matters of family law. Disputes Tribunals (established as divisions of District Courts) deal with lower level civil disputes (other than debt recovery) by way of a simplified procedure. In addition, there are a number of specialist courts and tribunals. In 1997, the government of the day agreed to pilot a new judicial office in the District Court – Community Magistrates. Community Magistrates are lay persons from local communities who hear minor and mostly undefended criminal matters. They may exercise the usual range of sentencing powers except for imprisonment. An evaluation of the office was conducted in 2000. The Government is currently considering options for the future of the office.

55. The courts act as a curb on the power of the Government by ensuring that the Government acts in accordance with the law. However, in the New Zealand system of Government, Parliament is supreme, the courts are bound by statute and cannot strike down the provisions of any Act of Parliament.

56. The laws of New Zealand consist of:

(a) The common law, sometimes referred to as "judge-made law", which has been developed by the courts of England and the courts of New Zealand; and

(b) Statute law enacted by the New Zealand Parliament. Parliament's power to make laws was preserved by Section 15(1) of the Constitution Act 1986. Prior to the Constitution Act this power was derived from the Statute of Westminster Adoption Act 1947, which gave the New Zealand Parliament sole authority to legislate for New Zealand.

(c) A small number of British statutes and subordinate legislation which were passed prior to 1947 are also declared to be part of the laws of New Zealand by the Imperial Laws Application Act 1988.

57. The common law relates to the interpretation of statute law and to developing the general law based on fundamental legal principles. Statute law includes Acts of Parliament and delegated legislation made under those Acts.

The Treaty of Waitangi

58. The Treaty of Waitangi, signed in 1840 between representatives of the British Crown and Mäori hapu (sub-tribe) and iwi (tribe), established the legal basis for the settlement of New Zealand, and aimed to protect the rights and properties of the indigenous Mäori inhabitants.

59. The last decade and a half has seen a greater prominence given to the Treaty of Waitangi as a basis for settling Mäori claims against the Crown. Debate on the place and role of Mäori people in New Zealand society has increased considerably and successive governments have continued to develop their policies on Mäori affairs.

60. The Waitangi Tribunal was established by the Treaty of Waitangi Act 1975 to make recommendations to the Crown on claims relating to the Treaty. A 1985 amendment allowed for claims to be retrospective to the signing of the Treaty in 1840.

61. The work of courts and the Waitangi Tribunal is developing the contemporary meaning of the Treaty. This work is wide-ranging and is having a profound and continuing influence on the way New Zealand is learning to see itself. The Crown recognises the Treaty as the founding document of the nation, and the Treaty is now widely accepted as the most important instrument in the continuing evolution of the Treaty partnership between the Crown and Mäori. As the Waitangi Tribunal says to describe its work: "The Treaty is always speaking".

62. Further to the establishment of the Waitangi Tribunal, a special Office of Treaty Settlements was established in 1 January 1995 under the Minister in Charge of Treaty of Waitangi Negotiations. The aim of the office is to give better focus to Government objectives to resolve historical Treaty of Waitangi claims.

63. In a landmark Court of Appeal case in 1987, the special relationship between the Mäori people and the Crown was interpreted by the Court as requiring the Treaty partners to act reasonably and with the most utmost good faith towards each other. A number of Acts of Parliament now require the Crown to have regard to the principles of the Treaty of Waitangi, or to Mäori interests or a Mäori perspective. Successive governments have negotiated with large natural groups to attempt to resolve grievances concerning breaches of the Treaty.

64. The New Zealand government continues to make steady progress in negotiating the settlement of claims arising from historical breaches of the Treaty of Waitangi. In 2001, the Crown achieved two significant settlements with tribal groups in the North Island, relating to land confiscation by the Crown after warfare in the 1860s and other Treaty breaches (Ngati Ruanui for $41 million and Ngati Tama for $14.5 million). As well as financial redress, the settlements included apologies by the Crown for the warfare and confiscation. A further settlement (Ngati Awa) was initialled on 8 July 2002 and is conditional on it being ratified by the Ngati Awa people. A non-binding Agreement in Principle has recently been reached with a third North Island iwi, Nga Rauru. By July 2002, over $628 million has been committed as redress for final and comprehensive Treaty settlements.

65. Increased funding has been allocated to the negotiation process, for the purpose of facilitating claimants' entry into negotiations, and to protect and maintain surplus Crown property for potential use in settlements.

66. In July 2000, the Minister in Charge of Treaty of Waitangi Negotiations released a set of principles to guide the Crown in the negotiation and settlement of historical Treaty of Waitangi claims. The principles state that negotiations are conducted in good faith; that settlements should restore the relationship between the Crown and claimants; that redress should be just (not limited by a fiscal envelope); that like claims should be treated as like; that there should be greater transparency of the Treaty settlement process; and that settlements should be negotiated between the Government and claimants.

67. The Waitangi Tribunal has recently endorsed elements of the Crown's approach to settling Treaty claims relating to its recognition of claimant negotiators' mandate, and its treatment of overlapping claims. The Crown has passed legislation to implement the Pouakani claims, and legislation has been introduced into the House of Representatives for the Te Uri o Hau and Ngati Ruanui settlements.

68. The Crown is committed to fulfilling its obligations as a Treaty partner. The settlement of historical grievances is a necessary part of establishing ongoing healthy Crown/ Mäori relationships. However, the Crown recognises that, while the settlement process is important, it should not be seen as the primary focus or mechanism for encouraging that relationship in the future. It will continue the significant progress already made in negotiating and implementing fair, durable and affordable settlements of historical grievances; and improving the social and economic status of Mäori. In order to achieve this goal, the Government aims to extend economic and social opportunities by significantly improving the health, employment, education and housing status of Mäori. This emphasis on the management and development of healthy relationships reflects the underlying purpose of the Treaty of Waitangi to establish a basis on which two quite different peoples could live together harmoniously and to mutual advantage.

69. The current Ministry of Mäori Development - Te Puni Kökiri - was established in 1992, replacing earlier government bodies dealing with Mäori affairs. Te Puni Kökiri's role is to provide advice on the Crown's relationship with Mäori and to promote higher levels of achievement for Mäori by improving education, health and economic opportunities. The Ministry of Women's Affairs, through its policy unit, Te Ohu Whakatupu, gives advice to Government on the status of Mäori women and the impact of government policy on them.

III. GENERAL LEGAL STRUCTURE WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

A. Judicial, administrative or other competent authorities with jurisdiction affecting human rights

70. The key pieces of legislation in this regard are described in the following paragraphs.

The New Zealand Bill of Rights Act 1990

71. This Act was designed to affirm, protect and promote human rights and fundamental freedoms in New Zealand and to affirm New Zealand's commitment to the International Covenant on Civil and Political Rights. The Act applies to acts done by the legislative, executive or judicial branches of the Government of New Zealand or by any person or body in the performance of any public function, power or duty conferred or imposed on that person or body by or pursuant to the law. The Attorney-General is required, on the introduction of a bill, to bring to Parliament's attention any provision that appears to be inconsistent with any of the rights and freedoms contained in the Bill of Rights. The Court of Appeal has held that an action against the Crown for damages is available in respect of breaches of rights and freedoms in the New Zealand Bill of Rights Act 1990.

The Human Rights Act 1993

72. The Human Rights Act 1993 came into force on 1 February 1994, amalgamating the provisions of the Human Rights Commission Act 1977 and the Race Relations Act 1971. This piece of legislation is primarily an anti-discrimination Statute and sets out thirteen prohibited grounds of discrimination: sex, marital status, religious belief, ethical belief, colour, race, ethnic or national origin, disability (including the presence in the body of organisms capable of causing illness), age, political opinion, employment status, family status, and sexual orientation. The Act applies both to the public and private sectors. In regard to the latter, Part II of the Act sets out seven broad areas in which it is unlawful to discriminate these are: employment (including pre-employment); partnerships; industrial and professional associations; qualifying bodies and vocational training bodies; access to places, vehicles and facilities; provision of goods and services; provision of land, housing and other accommodation; and access to educational institutions. The Act also contains provisions relating to racial disharmony, sexual harassment and racial harassment.

73 In relation to the public sector, most activities are governed by Part 1A of the Act, which incorporates the non-discrimination standard developed under the New Zealand Bill of Rights Act 1990, thereby allowing complaints about public sector discrimination to be made through the publicly-funded dispute resolution process. However, government employment policies and practices as well as the related areas of racial and sexual harassment and victimisation continue to be regulated by the same standard as private sector activities, which are set out in Part II of the Human Rights Act.

74. The Human Rights Act also governs the Human Rights Commission and requires it to be strategically focused on general human rights (not just non-discrimination), education and advocacy. The inclusion of the Race Relations Commissioner (formerly the Race Relations Conciliator) in the Commission following the adoption of the Human Rights Amendment Act 2001, meets the need for a holistic approach to human rights by providing a single entry point for complaints on all prohibited grounds of discrimination whether relating to private or public sector activity while recognising that race relations have a very significant place in human rights activity in New Zealand. Similarly, the establishment of a new full-time Equal Employment Opportunities Commissioner ensures the continued development of guidelines and voluntary codes of practice to facilitate and promote best practice in equal employment opportunities (including pay equity).

75. The Human Rights Act also requires the Human Rights Commission to develop a National Plan of Action, in consultation with interested parties, for the promotion and protection of human rights in New Zealand. Moreover, the Government has initiated a work programme on ways and means to integrate human rights considerations into policy making, thereby strengthening the human rights culture that exists within government. The Ministry of Justice is leading interdepartmental work on this project

The Ombudsmen Act 1975

76. This Act provides for the appointment of Ombudsmen by the Governor-General on the recommendation of the House of Representatives. The Ombudsmen may investigate any decision or recommendation made, or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in her, his, or its personal capacity by any Minister of the Crown, government department, or certain other organisations that are listed in the Schedules of the Act. These investigations occur on a complaint from any person or an Ombudsman's own motion. An Ombudsman may make such recommendations as she or he thinks fit and report these to the appropriate Department or organisation and the Minister of Justice (if relevant). If the requested action is not taken within a reasonable time, then the report may be sent to the Prime Minister and reported to the House of Representatives.

77. When new bodies are created by statute, consideration is given to the desirability of including them in the Schedules to the Ombudsmen Act 1975 and the Official Information Act 1982.

Official Information Act 1982

78. This Act is designed to make official information more freely available, to protect that official information to the extent consistent with the public interest and preservation of personal privacy, and to establish procedures for those purposes. What is official information is widely defined by Section 2 of the Act and the bodies to which the Act is applicable are listed in Schedules to the Act and the Ombudsmen Act. Generally Ministers, government departments and all agencies of government are subject to the Act.

79. Individuals and some bodies corporate may request the various bodies listed in the Schedules to make official information available. Official information is to be made available unless there is a good reason (as defined by the Act) to withhold it. The Ombudsmen can investigate and review any refusal by a Department, Minister or organisation to make official information available once requested. They then report to the relevant body with any recommendations. Departments, Ministers and organisations have a public duty to observe any recommendation unless the Governor-General, by Order in Council, directs otherwise. It is possible for the person who made the original request to review the making of such an Order in Council in the High Court, and to appeal to the Court of Appeal.

80. The Local Government Official Information and Meetings Act 1987 establishes a similar regime in relation to official information held by local government agencies.

Privacy Act 1993

81. Amongst other things, this Act:

(a) Carries forward from the Privacy Commissioner Act 1991 the provisions establishing the Privacy Commissioner;

(b) Establishes 12 information privacy principles with respect to:

(i) The collection, retention, use and disclosure, by public and private sector agencies, of information relating to individuals; and

(ii) Access to and requests for correction of personal information that is held by public and private sector agencies;

(c) Establishes four public register privacy principles, which regulate the manner by which personal information may be accessed from public registers;

(d) Applies the principles to both the public and private sectors;

(e) Gives the Privacy Commissioner jurisdiction to grant exemptions from some of the principles, principally by way of codes of practice;

(f) Sets out controls on information-matching to apply to statutory matching provisions implemented by the public sector; and

(g) Enables individuals to complain to the Privacy Commissioner if they believe their privacy has been infringed. The focus of the complaints regime in the Privacy Act is on the resolution of complaints by the Privacy Commissioner securing a settlement wherever possible. However, civil proceedings before the Human Rights Review Tribunal are available where a complaint is not resolved;

(h) Empowers the Privacy Commissioner to perform a general monitoring and reporting function in relation to policy and legislative proposals with privacy implications.

Police Complaints Authority Act 1988

82. This Act makes provision for the investigation and resolution of complaints against the Police by establishing a Police Complaints Authority. The Authority can receive complaints alleging any misconduct or neglect of duty by any member of the Police, or concerning Police procedures. Complaints to the Authority may be investigated by the Authority itself or by the Commissioner of Police on behalf of the Authority. If the Authority has investigated the complaint itself, it conveys its opinions and recommendations to the Police Commissioner. Where the Police Commissioner investigates a complaint on behalf of the Authority, the Authority reviews the outcome of the investigation, and can agree with the Commissioner's decision or make recommendations including that disciplinary or criminal proceedings be considered or instituted. If no adequate and appropriate action is taken within a reasonable time, the opinion and recommendations may be sent to the Attorney-General and the Minister of Police, and where appropriate, tabled in the House of Representatives.

83. In April 2001 the Government announced decisions designed to enhance the independent investigative capacity of the Authority. While no legislative amendment is needed to implement that decision, there will be amending legislation to change the Authority's name to the Independent Police Complaints Authority and increase its membership.

Children, Young Persons and Their Families Act 1989

84. This Act established, among other things, the post of Commissioner for Children. The Commissioner has broad-ranging functions, which are aimed at promoting and ensuring the welfare of children and young people. The Convention on the Rights of the Child is used as a basis for this work.

Health and Disability Commissioner Act 1994

85. The Health and Disability Commissioner was established by section 8 of the above Act. The Commissioner is responsible for promoting and protecting the rights of health and disability service consumers through public education activities and the resolution of complaints. The rights themselves are outlined in the Code of Health and Disability Services Consumers' Rights, a regulation under the Act that came into effect in July 1996.

86. The Human Rights Commission, the Privacy Commissioner and the Police Complaints Authority report annually to the Minister of Justice on the exercise of their functions under their Acts. These reports are tabled in Parliament by the Minister after receipt. The Ombudsmen report annually to the House of Representatives.

B. Remedies available to an individual who claims that any of his or her rights have been violated, and what systems of compensation and rehabilitation exist for victims

87. As stated above, individuals who consider that any of their rights under the Bill of Rights Act have been infringed can bring an action against the Crown. There are a

number of possible remedies available for such breaches including damages and orders excluding evidence obtained during an unreasonable search.

88. With respect to the Human Rights Act 1993, complaints of unlawful discrimination can be determined through the complaints mechanism of the Human Rights Commission. The Commission attempts to assist the parties to resolve the complaint by using a flexible and speedy approach to dispute resolution, which includes mediation and other low-level dispute resolution mechanisms. If low-level dispute resolution fails or is inappropriate, complainants may take their case to the Human Rights Review Tribunal (formerly the Complaints Review Tribunal) for adjudication. The Director of Human Rights Proceedings (an autonomous office situated within the Human Rights Commission), who represents complainants free of charge in the litigation if they meet certain criteria, may represent a complainant. Alternatively, complainants may take their case to the Tribunal themselves or engage their own legal counsel.

89. Where a complaint is upheld by the Human Rights Review Tribunal, including complaints about government policies and practices, a wide range of remedies are available, including awards of damages and orders for specific performance. When a complaint concerns legislation or validly made regulations, and the complaint is upheld, the sole remedy available is a declaration of inconsistency. This does not mean that the legislation is invalidated, but the responsible Minister is required to bring the declaration to the attention of the House of Representatives, along with the Executive's response to that declaration.

90. Decisions of the Human Rights Review Tribunal may be appealed to the High Court whose decision is final, or to the Court of Appeal on a point of law.

91. The Employment Relations Authority and Employment Court also have some jurisdiction in relation to personal grievance claims and claims concerning a breach of an employment contract. Matters covered by personal grievance procedures include claims of unjustified dismissal, discrimination in particular areas, unjustifiable action by an employer, sexual harassment and duress in relation to membership or non-membership of an employees' organisation. It is not possible to complain to the Commission and take a personal grievance. Decisions of the Employment Relations Authority can be appealed to the Employment Court.

92. Finally, under sections 131 and 134 of the Human Rights Act, the District Court has jurisdiction over the offences of inciting racial disharmony and of refusing access on discriminatory grounds to a public place, vehicle or facility respectively. Such prosecutions may be instituted only with the consent of the Attorney-General.

93. New Zealand citizens may also avail themselves of the complaint provisions under the individual communication procedures contained in both the first Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). New Zealand has also made the declaration under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment recognising the competence of the Committee against Torture to receive communications from individuals subject to its jurisdiction.

C. Protection of the rights referred to in the various human rights instruments either in the Constitution or by a separate Bill of Rights and provisions made in the Constitution or Bill of Rights for derogations

94. New Zealand does not have a single constitutional document. The constitutional framework comprises the Constitution Act 1986 and a number of statutory provisions and common law rules. How these legal powers are exercised is determined by constitutional "conventions", a series of rules, which, albeit unwritten, are accepted as binding by constitutional actors. This framework is erected on and maintained by the ordinary law and not through the operation of a supreme or basic law such as that found in other jurisdictions. For this reason, although New Zealand does have a Bill of Rights, which was enacted in the New Zealand Bill of Rights Act 1990, it is not an entrenched Bill of Rights. The rights and freedoms contained within that Act are subject to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. Wherever an enactment can be given meaning that is consistent with the rights and freedoms contained in the Bill of Rights, that meaning shall be preferred by the Courts to any other meaning. The Courts, however, have no power to strike down legislation on the basis of inconsistency with the Bill of Rights. The Act provides for a mechanism whereby the Attorney-General reports to Parliament any inconsistency of proposed legislation with the Bill of Rights.

D. How human rights instruments are made part of the national legal system

95. International agreements do not automatically become part of the law of New Zealand simply by the process of ratification, accession or acceptance of a treaty. For an international agreement to have domestic effect either its provisions must be reflected already in New Zealand's existing law or new legislation must be enacted. Before becoming a party to an international human rights instrument, therefore, the Government reviews New Zealand's domestic law to see what additional legislation, or amendments to existing legislation, might be necessary to ensure the full and effective implementation of the agreement in New Zealand law, or whether reservations might be necessary.

E. Whether the provisions of the various human rights instruments can be invoked before, or directly enforced by, the courts, other tribunals or administrative authorities or whether they must be transformed into internal laws or administrative regulations in order to be enforced by the authorities concerned

96. Generally, for an individual to found a direct cause of action on rights protected by international human rights instruments, the right needs to be incorporated into domestic statute law (eg. New Zealand Bill of Rights Act 1990). Where the wording of a statue permits it, the Courts will interpret the statute in a way that is consistent with, and gives effect to, international law. Failure to consider relevant international instruments renders a decision-maker liable to judicial review for failure to consider relevant considerations.

F. Institutions or national machinery with responsibility for overseeing the implementation of human rights

97. As noted in Section A above, the Human Rights Commission has responsibilities in the area of human rights generally and the Race Relations Commissioner and the Privacy Commissioner have responsibilities in respect of racial discrimination and privacy respectively. A Commissioner for Children, established under the Children, Young Persons and Their Families Act 1989, has responsibility in the area of welfare of children and young persons.

IV. INFORMATION AND PUBLICITY

98. The Human Rights Commission has a statutory duty:

(a) To advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society; and
(b) To encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society.

The Privacy Commissioner has a similar function in relation to the promotion, by education and publicity, of an understanding and acceptance of the protection of individual privacy.

99. In the fulfilment of its key functions, the Human Rights Commission is responsible, *inter alia*, for:

(a) the encouragement and co-ordination of programmes and activities in the field of human rights;
(b) the promotion by research, education and discussion of a better understanding of the human rights dimensions of the Treaty of Waitangi and their relationship with domestic and international human rights law;
(c) the preparation and publication, as the Commission considers appropriate, of guidelines and voluntary codes of practice for the avoidance of acts or practices that may be inconsistent with, or contrary to the Human Rights Act; and;
(d) the making of public statements in relation to any group of persons in, or who may be coming to, New Zealand who are or may be subject to hostility, or who have been or may be brought into contempt, on the basis that the group consists of persons against whom discrimination is unlawful under the Act.

100. Human rights information and education is delivered in a number of ways. The first point of contact for most people seeking information and advice from the Human Rights Commission is *Infoline*, a toll free telephone service that handles over 30,000 calls per year. The Commission also has a comprehensive web-site, which provides users with on-line access to case notes, complaints information, library resources, submissions and discussion papers. Human rights education and information is further provided via a wide range of printed material including leaflets about the Commission's services, guidelines, discussion papers, pamphlets and posters. Moreover, the Commission regularly holds public seminars on a wide-range of human rights topics. The Human Rights Commission has a dedicated education team that delivers training services to a wide range of public and private organisations. The subject matter of such training services includes "Making Human Rights Work" for the public sector, "Tu Tikanga" enabling people with disabilities to deliver training to other people with disabilities, a human rights kit on racial harassment for use in schools and "Taku Manawa" for wider delivery of human rights information to communities throughout New Zealand.

101. The Ministry of Foreign Affairs and Trade is responsible for coordinating the preparation of New Zealand's periodic reports to the United Nations human rights treaty bodies. The Ministry of Women's Affairs and the Ministry of Youth Affairs

prepare the reports under the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child respectively. The reports are prepared on the basis of information received from a wide range of government departments and agencies. The reports are also made available for public and non-government organisation comment, and can be obtained from the relevant Ministry's website. The International Covenant on Civil and Political Rights (and its first Optional Protocol), Convention on the Elimination of all forms of Discrimination Against Women (and its Optional Protocol), and the Convention on the Rights of the Child have all been translated into Māori.

102. A summary of the relevant UN human rights treaty bodies' consideration of New Zealand's periodic reports, including the specific questions of the Committees, have been published by the Ministry of Foreign Affairs and Trade and are available free of charge to the public. In commemoration of the 50th anniversary of the Universal Declaration of Human Rights, the Government produced the *New Zealand Handbook on International Human Rights*. The handbook was published to provide an introduction for New Zealanders wanting to know more about the international human rights framework. In addition, the Ministry of Foreign Affairs and Trade publishes a six-monthly free newsletter updating civil society on developments in international human rights, including progress on New Zealand's reporting obligations under the human rights treaties.

APPENDIX 4: CEDAW REPORT - TOKELAU

Introduction

Core background information on Tokelau is contained in New Zealand's last two periodic reports (information in the 1998 report is especially pertinent). Reference is also invited to the Tokelau sections of New Zealand's fourth periodic report (2001) under the International Covenant on Civil and Political Rights, and the report which followed under the International Covenant on Economic, Social and Cultural Rights.

Part I

Core factors (to reiterate) include these:

> Tokelau comprises only three villages which have been largely autonomous for centuries, located on widely dispersed atolls some 500 kilometres from Samoa and with a total population of around 1500. Traditionally, government in Tokelau is on a village by village basis, and there has been little in its system that takes a formal shape recognisable externally. Custom is at the heart of the system. The heritage is one of subsistence living, in a precarious environment. Land area is 12 square kilometres: the land is seldom more than 200 metres in width and maximum height above sea level is five metres. There is a cohesive social structure based on family and the principle of sharing, underpinned by a consensual style of decision making around a male, hierarchical base.
>
> Tokelau is a non-self-governing territory under the United Nations Charter. The above background makes this an atypical decolonisation context. New Zealand's responsibility is a national one, and this has impinged little on everyday life. There has never been a resident New Zealand administrative presence. In the present era, however, issues of national governance have come to the fore. Increased contact with the outside world has changed life and material expectations in Tokelau. Traditional activities have decreased in importance, thanks to monetisation and public sector employment. Based on understandings reached with Tokelau in the early 1990s, New Zealand is assisting Tokelau in its own moves to develop a national government capacity.

Today's focus is on a governance project called *The Modern House of Tokelau*. The project (sponsors are the New Zealand Agency for International Development and UNDP) aims to put in place governance and support structures to serve village and national needs. The agreed guiding principle is that the three village councils (Taupulega), being the traditional foundation, should be the basis of future government. Writing in May 2002, Tokelau's titular leader described the project thus:

> The project is about ensuring that the core traditional values and principles that have harmonised and stabilised Tokelau are maintained. It is about identifying and integrating principles from afar that fit the local context. The project is about marrying two or more cultural wisdoms, the base being our own culture and others from afar.

> The goal is to have an inter-locking cultural foundation of governance and modern advice that can serve Tokelau better today and tomorrow. In brief, we are identifying, devising and practising with governance structures and support systems that fit the context of our little place.

Adding to Tokelau's challenge is this strong feature of the past quarter of a century: growing economic dependence on New Zealand. Today New Zealand provides around four fifths of Tokelau's annual budget. The *Modern House* thus has a major economic as well as its core governance dimension. Matching Tokelau's desire to experience afresh its former sense of autonomy, it seeks equally to recapture as much as possible of the old sense of self-reliance.

This is a home-grown, or 'coral-up' solution, offering the prospect of providing a bridge between traditional structure and elective process. A central issue is the relationship between three traditionally constituted village councils and the national representative institution, the General Fono. Though not part of tradition, the General Fono has grown over some five decades as the villages have realised that there are more tasks that nowadays can only be performed by acting together: many of these tasks bear on relations with the outside. The General Fono meets usually three times a year, and when it is not in session, the Council of Faipule (Cabinet equivalent) acts for it.

In striving to find a good balance between the traditional and the imported, Tokelau faces core questions of custom and law. Today custom and law interact to an increasing degree; and Tokelau seeks understanding of its situation as it is required, increasingly, to move from following a set of rules and practices within its cultural setting, to following a set of rules and practices recognisable as consistent with life in the international community.

An initial (1997) report on a Constitution includes these (draft) provisions: that individual human rights for all people in Tokelau are stated in the Universal Declaration of Human Rights and are implemented in the International Covenant on Civil and Political Rights; and that the rights of individuals shall be exercised having proper regard to the duties of other individuals, and to the community to which the individual belongs. Those provisions suggest that Tokelau should be well equipped to address how it would wish, in a post-self-determination situation, to give local effect to its human rights commitments.

The text of the Convention on the Elimination of all Forms of Discrimination against Women was included in a human rights booklet published in English and Tokelauan in 1990.

Part II

Tokelau's development path of recent times has considerably affected women. In Tokelau culture, there is a clear demarcation between male and female roles. At the same time, in the traditional social system, women have relatively high status, derived from their right to occupy the houses owned by kin groups and to manage domestic economies: husbands move to their wives houses at marriage. Although the Tokelau cultural order gives high priority to the welfare of the weaker members and the equitable distribution of economic resources, under today's more monetised economic regime, those who do not have paid employment of some kind may be considered to be relatively disadvantaged.

Almost all Tokelauans who have full-time paid employment are employed in the public sector; and here, as noted previously, there has been a significant promotion of gender equity. There is nothing in the laws of Tokelau sanctioning any kind of discrimination against women, and in general, women enjoy the same economic, social and cultural rights as men. In 2001, 59 members of the public service were female and 73 male. Women were strongly represented in education (22:13), health (15:1) and finance (9:3). The Director of Finance is a woman.

In March 2002 Tokelau held a meeting to set out a strategic direction for 2002-05 (Sustainable Development being the Modern House's economic component). An economic development vision was adopted, *to help people improve their lives by living in Tokelau*. Two of the six goals identified were: creation of jobs at acceptable wages with appropriate benefits and career progression with appropriate account of health and safety of workers; and producing goods and services that meet social needs like affordable housing, reliable energy supplies at lowered costs, better health care and education.

A variety of activities have been held under the Sustainable Development component, and with very good participation by women. A conscious attempt is being made to identify development activities for men and women; an approach which accords with local cultural norms and which is accepted by both groups. Given the strength of Tokelau culture and the importance of maintaining its basic integrity, this is an important consideration. At the same time it is evident that the traditional demarcation between male and female roles is becoming less marked. In the General Fono, four of the 21 delegates currently are women.

The adoption by the March 2002 meeting of a Sustainable Economic Development Plan gives impetus to the activities just mentioned.

Overall the Tokelau approach is one of linking consciously economic and social issues to the on-going development of local institutions of government.

The third periodic report discussed the role of the Fatupaepae, or Women's Committee. This is a core grouping in each village, and in addition there is a National Council of Women (though resource factors make it a challenge for the national body to remain operative).

The Triennial Conferences for Pacific Women (organised by the Women's Bureau of the Secretariat of the Pacific Community) have become an increasingly important event for Tokelau women. A Tokelau delegation attended the 1998 conference, and its report to the General Fono in 1999 included a Plan of Action relating to the implementation by Tokelau of CEDAW. That report included a programme for the fuller participation of women in areas such as political life and economic development.

The eighth conference was held in Noumea, New Caledonia, from 10-14 September 2001, and was attended by a four person delegation (one representative of each village's Fatupaepae and a government representative).

The women reported to the conference as follows:

TOKELAU COUNTRY REPORT

Introduction

Tokelau, a New Zealand territory, is made up of three (3) low lying coral atolls, separated by vast areas of oceans. Nukunonu the central atoll is 92km from Atafu and 64km from Fakaofo the closest to Samoa, its nearest neighbour and Tokelau's first step on the journey to the outside world, which lies 480km away. Tokelau has a total land area of 12 sq km surrounded by a sea area of nearly 300,000 sq km.

Status of Women in Tokelau

Community

The Tokelau women are valued in the extended families and the communities because of their contributions to them. Some of their responsibilities and duties are the up keep of the environment, distribute family resources, food preparation, ensuring family health, weaving (for the family home, family and community "fakalavelave" and also for finance purposes), family supervision [by promoting moral values and traditional knowledge and skills].

Women sub-committees from all three atolls make up the national Fatupaepae with a membership of about 400. They have their own programmes and functions while at the same time carry out some of the directives of the Taupulega (Council of Elders), whose umbrella the Women sub-committees are under for the implementation of local programmes.

Decision-making

Traditionally decision-making in Tokelau, whether locally or national, is the male domain. A few years ago however, two of the atolls have broken the traditional barrier to allow women a place in the (i) Council of Elders (should their extended family choose to have a woman as matai or head of the family), and (ii) national arena but only as advisors on Women issues. In 1998 the National Fono (Tokelau's decision-making body), endorsed the decision that each atoll delegation to the National Fono must include a woman representative, a move which upgraded the status of women tremendously.

Women in Development

Tokelau has recently encouraged small business enterprises to promote economic development, and women being the major handicraft provider are taking up this challenge. This is a challenge in the sense that, due to its isolation, outside markets *are very hard to access likewise transportation. With all these new changes, Tokelau women need capacity building and training in small business management.*

The recently established Modern House of Tokelau has provided a mechanism to assist women in economic development. In late July 2001, business enterprise workshops were conducted locally and also in neighbouring Samoa to cater for capacity building and training. Representatives of Women organisations attended the two phases of the workshop.

In late 1997, the Tokelau National Women Association and other NGOs were transferred from the Department of Education to the umbrella of Council of Elders for the implementation of local programmes, and the Office of the Council of Faipule as the liaison office with outside organisations. However, with Tokelau's wish to empower NGOs, the Office of the Council of Faipule is encouraging the Tokelau National Women Association and individual sub-committees to deal directly with outside organisations, and provided some basic training in office work, budget planning and project proposal for some officers of the women sub-committees.

Health

The increasing amount of imported food has caused complications to the health of Tokelau women. Diseases like high blood pressure, hypertension, obesity and the huge number of dental problems are some of the more common amongst the older women. For the younger women however, the immediate problem is unwanted pregnancies and the continuous threat of STD's and HIV/Aids. Although no cases of HIV/Aids have been reported from Tokelau, the need is still there to promote awareness.

Training needs

Women training needs include:

Leadership
Health
Management skills
Enterprise development
Budget and Economic planning
Computer skills
Report writing skills
Letter writing skills
General Office skills

Support and Funding

Implementation of the Tokelau National Women Association's development programmes and projects had been made possible with funding and assistance from the Government of Tokelau, NZODA, SPC, UNDP and other numerous organisations for which the Tokelau National Women Association is very grateful.

{end}

New Zealand Agency for International Development working with the women of Tokelau

The New Zealand Agency for International Development was established in July 2002 as a semi-autonomous agency within the New Zealand Ministry of Foreign Affairs and Trade. NZAID is committed to achieving equitable development benefits for women and men, girls and boys.

NZAID works with its partners to achieve gender equity and the empowerment of women in all aspects of its work. It aims to ensure that people are able to contribute fully to their own social and economic development.

During the reporting period, NZAID and its predecessor, the Development Cooperation Division, supported the efforts of Tokelau women through support for requests from the women for projects such as:

- Training for developing small business activities.
- Training and equipment for making local handicrafts.
- Health education workshops focusing on healthy diets and safe food preparation and handling.
- Information technology equipment for the Fatupaepae.
- Travel costs to the 2001 triennial conference in New Caledonia.

NZAID's current focus is to support Tokelau-initiated ideas for developing women's capacity in Tokelau.

The women have many ideas for increasing their own skills, developing the national capacity of the Fatupaepae, and becoming more actively engaged in decision making and economic development at all levels.

The General Fono, held in July 2002, supported the women's efforts by:

- endorsing the proposal to request that the NZAID gender and governance adviser be included in an NZAID mission;
- endorsing the proposal to seek funding for a National Women's Conference; and,
- noting the proposal for the National Women to prepare a submission paper to the Council of Faipule on the issue.

Conclusion

New Zealand considers the best way to discharge its obligations under CEDAW with regard to Tokelau is to support and encourage Tokelau initiatives to develop women's capacity on Tokelau. Heavy-handed imposition of measures is not seen as effective or appropriate, particularly in the decolonisation context. New Zealand is confident that the position of women on Tokelau will continue to develop positively - as can be seen from the initiatives recorded in the report. This "coral up" development is likely to have a positive and enduring effect because it is occurring naturally within Tokelau society. As Tokelau men and women are exposed increasingly to ideas from the outside world (including New Zealand) concerning gender equality, they incorporate those ideas into their own structures at a pace that they can control.